California Journal

THE MONTHLY REPORT OF STATE GOVERNMENT AND POLITICS

Congressional Reapportionment

State Role in Ski Area Safety

Students Lobby Legislature

Environmentalists Suffer Second Year of Defeat

November 1971 in Review

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Editor's Note

Presumably by the time you read this, the Legislature will have adjourned for the year. We decided not to wait for that to happen before sending this issue off to the printer, however. If we did that every time there was an adjournment resolution passed, you'd still be waiting for the June issue. But assuming for the sake of argument that the Legislature will be adjourning shortly, we can tell you that the next issue will contain a lengthy wrap-up of what the Legislature did and did not accomplish in this, the longest session in the state's history. Special articles will also focus on those areas of greatest recent activity: taxation and reapportionment.

* * *

Even before the 1971 legislative session had ended, the annual evaluation of the Legislature's accomplishments or lack thereof by interest groups, press, and partisan observers was well under way. Determining what happened is not very difficult. Determining why it happened is. And it is impossible to determine in anything like an objective manner whether what happened was "good" or "bad" because this is obviously a matter of one's perspective.

In this issue the *Journal* probes in considerable detail the record of one of the newest and most ambitious lobbying efforts in Sacramento, that representing the state's many environmentalist organizations. Our report focuses upon eight areas which were of highest priority among the environmentalists this session and their record of accomplishment in those areas. From the point of view of most environmentalists, the 1971 session has been a great disappointment, in no small part because their expectations were so high at the outset. We give much more space to this subject than is usual for the *Journal* because we believe it provides an exceptionally interesting case study in third house activity.

As part of the *Journal's* report on the Legislature's actions in the environmental field we include an analysis of the votes of senators and assemblymen in this area. Typically, voting analyses, involve subjective judgments which make one man's analysis another man's polemic. The *Journal's* unique voting analysis attempts to minimize these subjectivity pitfalls, first by including as many floor votes as possible and second by eliminating the need to determine what is a good or bad vote. The *Journal's* analysis compares the votes of each legislator with the votes of every other legislator. The result is that you can say that Jones is more Smithlike than Miller; but whether that is good or bad is for the reader to decide.

* * *

The article on the student lobby was written by Laura Magnani who has been coming to Sacramento to lobby for student concerns since 1969. She graduated from UC Berkeley this year and is working for the Friends Committee on Legislation, helping to write their newsletter.

* * *

From all of us at *California Journal* to all of you, best wishes for a happy holiday season and for a new year of peace and brotherhood.

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Environmental Lobby Suffers Second Year of Defeat for its Major Proposals

Although the conservation movement in California can trace its development back to the days of John Muir, the modern movement, in which conservationists have become environmentalists, goes back no further than the 1950's. It was not until 1956, in fact, that David Brower, then executive director of the Sierra Club, drove the Federal Bureau of Reclamation's dam builders out of Dinosaur National Monument in Utah, demonstrating for the first time how a contemporary Muir, armed with an understanding of the uses of the press, radio and television, can mobilize public opinion to defeat the "spoilers of the land."

Brower's example was quickly followed in other places, at Bodega Bay, in San Francisco and at Dos Rios, to name a few. But nearly all of the conservationist victories in the 1950's and early 1960's, in California and elsewhere, were directed at stopping some proposed federal, state or private project which seemed to threaten the environment. It was not until the late 1960's that California's rapidly growing environmentalist organizations were able to win a major victory which required positive legislative action: the creation of the Bay Conservation and Development Commission in 1969, a legislative battle which took years of persistent effort.

First Lobbying Effort

The importance of a strong and continuing presence in Sacramento was recognized by few environmentalists until 1965, when a large number of conservation-environmentalist organizations joined in creating the Planning and Conservation League (PCL). The sole purpose of this organization is to lead the fight in Sacramento for effective legislation for the protection of the environment. Its formation marked, as Senator Peter H. Behr says, the first time that "conservationists recognized the need to seize the initiative and not content themselves with an endless string of defensive battles". An outgrowth of the effort to halt further filling of San Francisco Bay, the PCL's initial objective was to direct lobbying on behalf of the BCDC legislation, through its first paid lobbyist, John Zierold.

For its first four years PCL remained the only statewide environmentalist organization with a lobbyist in Sacramento, and Zierold was not employed on a full-time basis by PCL until 1968. It was not until 1970, in fact, that environmentalists began coming to Sacramento regularly and in substantial numbers. Thus the environmentalist lobby is one of the newest upon the Sacramento scene, a fact of no little significance for any third house operation, let alone one which has sought to gain enactment of a full-scale legislative program which touches the life of every California citizen and the interest of nearly every business and public agency in the state.

The Year of the Environment

1970, which came to be called the "year of the environment", was a year of great disappointment for environmentalists. None of the major legislative objectives set forth by PCL and the other environmentalist organizations were achieved, despite what appeared to be strong public backing for many of the measures. The ensuing sense of frustration led the PCL to give the press a document titled "A Dozen Murders Solved" in which it listed the senators and assemblymen who had voted to "kill" the twelve bills believed by conservationists to have been important. Whatever the impact of this document on legislators, it certainly evidenced the bitter disappointment of many environmentalists.

Among the defeated measures in 1970 was legislation aimed at protection of the coastline against uncontrolled development, a series of bills attacking noise pollution, most of the planning and land-use controls recommended by the Assembly's Select Committee on Environmental Quality, the same committee's proposed Environmental Bill of Rights, a bill to ban lead from gasoline sold in California, and others. A number of measures favored by environmentalists did pass — legislation creating a new state Office of Planning and Research, a bond act to aid in the construction of local sewage facilities, a number of anti-smog bills, and authorization for tougher logging controls — but for the most part these were noncontroversial and not the pieces of legislation to which environmentalists had given highest priority.

New Optimism

But despite the defeats and disappointments of 1970, the environmentalist lobby seemed to enter the 1971 session with more favorable circumstances than it had ever before enjoyed. Many of those who had fought and lost in 1970 had something more than better characters to show for it. They developed a greater willingness to establish priorities, to form the necessary coalitions, and to make all the other advance preparations generally believed to be essential to legislative success. Moreover, the climate in the Legislature appeared to have improved. The new leadership in the Senate and the Assembly was strongly supportive of environmentalist objectives and appeared ready to lend

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substantial assistance. In February, for example, Assembly Speaker Bob Moretti gave a major speech at the annual PCL meeting and pledged his support for a renewed effort to pass a strong coastline control bill. Assemblyman Edwin L. Z'berg, long a close friend of environmentalists, resumed his chairmanship of the Assembly Committee on Natural Resources and Conservation, and although there was at first some concern among environmentalists over the creation of two new Assembly committees in this field — Planning and Land Use, chaired by Assemblyman Paul Priolo, and Environmental Quality, chaired by Assemblywoman March K. Fong — that concern was soon forgotten.

Environmentalists were also pleased by the unexpected election of Senator James Mills to the office of Senate President pro Tem. Mills had received high marks for his floor votes on important legislation in 1969 and 1970 and had led the fight to get a constitutional amendment on the ballot in 1970 to permit a reallocation of gas tax revenues to mass transit. As pro Tem, Mills could not control the assignment of bills to the various committees in his house, as the Assembly Speaker does, but he could do other things to make the Senate more receptive to environmental legislation than it was in 1970.

Year for Legislation

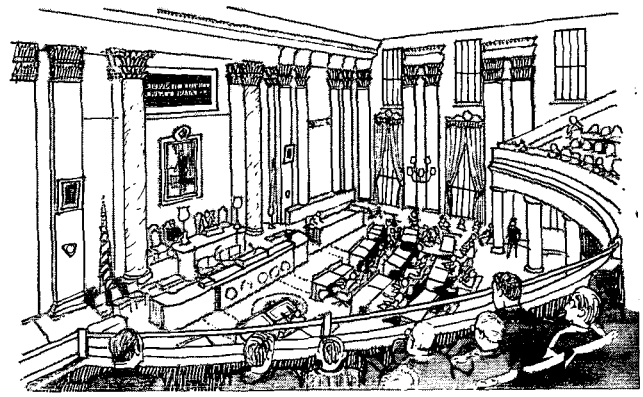
For these and other reasons many environmentalists felt a new optimism and openly proclaimed 1970 to be "a good year for legislation." This feeling seemed to have been communicated to the press and television as well, for editorial writers and broadcasters appeared ready to give environmentalists considerable support in bringing public pressure to bear upon the Legislature.

There were dozens of bills before the Legislature in the 1971 session in which environmentalists had a strong interest, bills which dealt with such diverse matters as coastline protection, registration of off-road vehicles, the elimination of lead from gasoline, reorganization of the Air Resources Board, prevention of premature rural subdivisions, and the right to sue. Each of these measures was important to its backers (and opponents), and it is perhaps misleading to say now that some were necessarily more important to the environmental movement than others. Yet for the purpose of evaluating the achievements of the environmentalists in the 1971 session it is useful to focus upon eight major issue areas around which environmentalists rallied: (1) coastline preservation; (2) creation of an environmental quality board; (3) protection of wild rivers; (4) San Francisco Bay region conservation and planning; (5) halting premature rural subdivisions; (6) removing lead from gasoline; (7) gas tax diversion; and (8) standing to sue.

Coastline Preservation

If there was a single key issue for environmentalists this year, it was the protection of California's 1,062-mile coastline from further uncontrolled development. If 1970 was the "year of the environment", 1971 was the "year of the coastline". Nearly all the environmentalists believed the 1970 defeat of similar legislation was brought on because their forces and resources had been spead too thin over too many competing legislative proposals. They were agreed that in 1971 they should concentrate on a single issue of first priority and that issue should be preservation of the coastline.

Accordingly, the California Coastal Alliance was formed in September 1970, made up of the Sierra Club, the Planning and Conservation League, and a number of other organizations, headed by Janet Adams (who runs a small public relations firm called Conservation Coordinators, Inc.) and a ten-member steering committee. Following the elections in November, in which the Coastal Alliance attempted to keep coastline protection before the voters in several districts as a campaign issue, work was begun on drafting a new bill and rounding up necessary support among legislators and



others. The bill as drafted was a "tough" bill designed not for quick passage but as a strong statement of objectives which, if not watered down too much in the ensuing legislative process, could continue to hold the support of most of the cooperating groups.

There was one significant weakness in the alliance, however: the PCL, which had lost its lobbyist when John Zierold moved over to work for the Sierra Club in late 1970, was without staff representation in the early bill drafting negotiations, and some of the other participants were not sure whether PCL was committed to the product. Nevertheless, when the bill, AB 1471, was introduced on April 1st by Alan Sieroty with Assembly Speaker Bob Moretti and Assemblyman John Dunlap as co-authors, its sponsors were able to say that "every major conservation and wildlife group, including the Coastal Alliance, Sierra Club and Planning and Conservation League have joined in support of our bill." Senator Alfred E. Alquist was selected to carry the Senate version of the same bill, SB 1555, in the upper house.

AB 1471, as introduced, established a 12-member California Coastal Conservation Commission which, with the help of six regional commissions, was charged with developing a comprehensive coastal development plan by 1975. During the planning period, further development which "would cause irreversible damage to the shoreline or waters" was to be prohibited. A developer would have been required to obtain a permit from the regional council for any development within two-thirds of a mile of the coastline. Opposition to the bill

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came from several sources: representatives of the major coastal subdivisions, public and private utilities, the California Real Estate Association and other real estate interests, the California Builders Council, and representatives of local government who opposed any "moratorium" on development and wanted local officials to control the planning boards. CREA lobbyist Dugald Gillies argued that his association favored coastline planning, but not legislation which would deprive citizens of their property rights by halting further coastline development, as he charged the bill would do through its permit requirement. Under the proposed permit system, Gillies said, "you wouldn't be able to do much with the land but run sheep on it, if that," and he saw little prospect that the state would or could raise the billions of dollars it would take to compensate owners for their lost values.

Another major source of opposition was the County Supervisors Association, League of California Cities, and a number of the individual cities along the coast. They complained that the restrictions on development would be impossible for existing urban centers to live with. In an attempt to remove their opposition, the bill was amended to exempt the Los Angeles and Long Beach harbors and to provide an urban exclusion provision, but continuing opposition from this source played a major role in the final defeat of the bill.

AB 1471 was sent first to the Planning and Land Use Committee, which it cleared on a split vote with the help of Assemblyman Pete Wilson, who dropped his own bill to vote for AB 1471. It then moved quickly through the Ways and Means Committee and on to the Asembly floor, where it was held up while supporters sought to round up the two-thirds vote required for passage. In the meantime SB 1555 (Alquist), which was awaiting a hearing by the Senate Natural Resources Committee, which many environmentalists considered to be stacked against any significant environmental legislation, had been amended with the aid of PCL lobbyists to improve its chances. The principal effect of the amendment was to give the local councils more authority in approving development permits. This action angered leaders of the Coastal Alliance and the Sierra Club, who denounced the amendments as a "sell-out" by PCL and opposed SB 1555 when it came up for hearing. With the environmentalists thus split, the bill was easily killed.

Following the defeat of SB 1555, the sponsors of AB 1471 brought it up to for a vote on the Assembly floor on September 22nd and gained passage on a 54-16 vote. According to opposing lobbyists, however, this was accomplished only because a half-dozen Assemblymen who agreed to vote for it were confident that it would be defeated in the Senate. If so, they were not disappointed, for when the bill finally came up for vote on November 15th in the Senate Natural Resources and Wildlife Committee, it failed on a 4-4 vote. The possible swing vote, Senator James Q. Wedworth, who was believed to be committed to voting for the bill, was absent on "personal business". Wedworth later said he would have voted against the bill because it was too weak. Whether or not this was his real reason for failing to vote, the bill's proponents were forced to concede that their original bill had been watered down considerably along the way and was no longer the tough bill they had originally sought.

Wild Rivers

If the coastline effort was, as PCL president Richard Wilson says, "a good example of everything going wrong for environmentalists", the fight to get a bill blocking further development of three north coast rivers appears to have been an example of a very well coordinated effort — which also failed.

The drive for a wild rivers bill grew out of a successful effort in 1969 to block approval of the construction of a dam on the Middle Fork of the Eel River which would have flooded Round Valley in Mendocino County. Realizing that they had won only a temporary victory, the groups and individuals who had participated in that effort founded a new organization called the California Committee of Two Million dedicated to preserving the state's remaining free flowing rivers against further damming. The organization, which represents a broad spectrum of groups that have come together on this one issue — fishermen, conservationists, local residents, and others — is headed by Joe Paul, a San Francisco businessman and sportsman. Paul and the Committee of Two Million hired the PCL to guide the lobbying effort in Sacramento, and then went about drafting a bill which would stand a fair chance of success in the Legislature.

Although some parties to the drafting, and the Sierra Club in particular, argued that virtually every major river with a substantial undeveloped section should be covered, it was finally agreed that as a first step the proposed "wild and scenic river system" would include only the undeveloped portions of three north coast rivers: the Eel, Trinity and Klamath Rivers. The bill, SB 107, would have prohibited dams or other man-made impoundments on large sections of these rivers and directed the Secretary of Resources to prepare a river management plan under which each section of the three rivers would have been classified as "wild", "scenic" or "recreational", according to the type of access to be permitted. Freshman Senator Peter H. Behr, an arden conservationist from Marin County, was chosen as principal author.

It was clearly a fatal flaw that the dean of the Senate, Randolph Collier, in whose district the rivers are located, was not a party to the proposal and, in fact, became its principal opponent. The other important factor was that the bill seriously threatened further development of the State Water Project. When the Burns-Porter Act was passed in 1962 it was understood, says William Fairbanks, lobbyist for the Metropolitan Water District of Los Angeles and former Assistant director of Water Resources, that a total of 4.2 million acre feet of water would be moved from northern California to supply agriculture and urban growth in the south.

Those water project facilities which have been completed or are now under construction, however, will provide only about three million acre-feet, or about

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three-fourths of what by "gentlemen's agreement" the MWD and other users expect. Although recent sharp reductions in population projections suggest that the demand for water may not reach the original projection for several decades, Fairbanks and others argue that the need for imported water by agriculture, its principal user, remains unchanged. Moreover, says Fairbanks, unless the full four million acre-feet of water are provided, the newly constructed aquaduct will remain only partially filled.

Among the residents and officials of the counties in which the three rivers are located, opposition to SB 107 stemmed from a concern over the loss of construction activity, possible restrictions on logging, and, most important, the desire for protection from floods, such as the devastating 1964 Eel River flood. Nevertheless, local residents were far from unanimous in their opposition to SB 107, a fact which made it somewhat uncertain early in the session whether Senator Collier would or would not oppose it.

Behr and those backing SB 107 were able to get the bill through the Senate Natural Resources Committee on a 6-2 vote on May 25th. It then remained in the Senate Finance Committee, which Collier chairs, for nearly two months awaiting a hearing by the committee. Supporters were confident that they could get it through the Assembly, once past the Senate, but chances of passing the Senate became less as the session wore on. Collier made no overt effort as chairman to block its passage from the Finance Committee, however, and on July 26th it was sent to the Senate floor on a 7-3 roll call vote. The first Senate vote came on August 4th and the bill failed passage, gaining only 19 of the 27 favorable votes required because the bill included an appropriation. Behr then removed the appropriation and concentrated on gaining a simple majority of 21 votes. A second try was made on September 30th, but the bill again fell two votes short, ending its chances for the session.

Bay Region Planning

Many of California's planners and environmentalists have become attracted to the concept of regional government as a structure most suited to deal effectively with environmental planning. This is evident not only in such documents as the "First Sketch Plan for California," which California Tomorrow has prepared, but in many of the major legislative proposals of the past few years, including the successful Bay Conservation and Development Commission, the water and air pollution control boards, and the Tahoe Compact (which environmentalists now consider to be something less than a success), and the coastline and environmental quality board proposals of this session. This new structure may gain some of its attractiveness simply from the fact that having never been tried on a large scale it has not yet demonstrated the "weaknesses" which environmentalists find so frustrating at other levels of government. Nevertheless, there is obvious merit to the environmentalists' argument that local planning and environmental control must be expanded to "match the boundaries of the ecosystem." Although it is possible to extend the boundaries of the ecosystem to encompass much larger territory *(e.g.*, the whole earth), it is reasonable to conclude that it is at least necessary to go beyond city and county boundaries to begin effective environmental planning.

Although other proposed legislation this session incorporated the regional concept, those who favor regional government (and those who oppose it) have been most interested in the progress of AB 1057, a bill authored by San Francisco Assemblyman John T. Knox.

Environmental Legislation Passed by the Legislature this Session

Not all of the environmental bills which were introduced this session were cut off at the pass. Among the successful bills were the following:

LAND-USE

AB 1300-1303 (McCarthy) — Provides new controls on the development and sale of subdivisions (AB 1303 was vetoed).

SB 920 (Collier) — Creates North Coast Area Planning and Development Commission. (Vetoed.)

AIR POLLUTION

AB 265 (Schabarum) — Restructures Air Resources Board.

AB 936 (Biddle) — Requires Air Resources Board to adopt emission standards for 1955-65 automobiles.

SB 578 (Cologne) — Requires exhaust emission control devices for 1966-1970 automobiles.

WATER POLLUTION

SB 287 (Lagomarsino) — Prohibits gas and oil extraction from state tide and submerged lands near off shore islands.

NOISE POLLUTION

AB 1045 (Schabarum) — Reduces motor vehicle noise limits in built-up areas.

SB 689 (Beilenson) — Directs Dept. of Public Health to set noise standards for appliances and certain other machines.

GAS TAX

SB 325 (Mills) — Extends sales tax to gasoline, providing revenues for public transportation.

MISCELLANEOUS

SB 678 (Lagomarsino) — Extends Attorney General's powers to bring suit to stop potential damage to the environment.

SB 243 (Lagomarsino) — Requires elementary and secondary school teaching on conservation of natural resources.

SB 272 (Beilensen) — Classifies state parks by function and limits development.

AB 3069 (Z'berg) — Prohibits off-road vehicles on specified state lands.

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Analysis of 1972 Votes on Environmental Issues

Rankings of Legislators according to their votes in particular areas — that is, how often they voted the "correct" way — are a common device used by interest groups to identify their "friends" and their "enemies." Most of these tabulations provide only a rough approximation of what is intended, however, and legislators, who dislike being categorized as much as the rest of us, can usually point out serious flaws in the analysis — too much weight given to unimportant issues, abstentions disregarded, votes against threatening amendments counted as "wrong" votes, the inclusion of caucus controlled votes, etc. Thus many organizations, wisely remembering that today's enemy may be tomorrow's ally, simply publish tabulations of legislators' votes on their key issues without attempting to rate the legislators accordingly. This practice is informative and minimizes subjective errors.

It may nevertheless be possible to categorize legislators in a manner which avoids some of these pitfalls. One method is to compare the voting record of each member of one house with the voting record of the other members of that house, rather than with any scale which indicates "good" or "bad" votes. In the following tabulations we have selected 29 floor votes on environmental bills in the Senate. Each senator has then been compared with all the other members of the Senate according to the frequency with which they voted as he did. The next step was to develop a distribution scale for the senators on these votes according to the average percentage figure for the five senators who consistently voted at the opposite extreme, and then to group them according to those figures, as shown.

It should be stressed that the categories into which the distribution scale is divided are arbitrary. Moreover there were a few additional votes after this table was prepared which might change the result slightly.

SENATE ENVIRONMENTAL VOTING INDEX

Most Supportive		Moderately Supportive		Middle		Moderately Unsupportive		Least Supportive	
Roberti	(17%)	Grunsky	(30%)	Wedworth	(47%)	Cologne	(31%)	Richardson	(16%)
Beilenson	(18%)	Alquist	(32%)	Teale	(48%)	Lagomarsino	(42%)	Harmer	(20%)
Gregorio	(19%)	Marks	(33%)	Stevens	(48%)	Marler	(42%)	Schrade	(22%)
Behr	(21%)	Nejedly	(34%)	Stiern	(50%)	Whetmore	(42%)	Dills	(25%)
Petris	(21%)	Holmdahl	(35%)	Collier	(51%)	Walsh	(43%)	Coombs	(26%)
Short	(21%)	Carpenter	(36%)	Deukmejian	(58%)	Cusanovich	(44%)	Bradley	(28%)
Zenovich	(21%)	Mills	(36%)						
Moscone	(25%)	Kennick	(40%)						
Rodda	(25%)	Way	(40%)						
Dymally	(27%)	Carrell	(43%)						
Song	(27%)	Burgener	(45%)						

Senate Votes: AB 1057 (Knox) Bay Area Regional Planning Agency (21-11); Bradley amendment to AB 1057 (21-18); conference report on AB 1057 (14-14); AB 1300 (McCarthy) Rural subdivisions (27-2); AB 1301 (McCarthy) Rural Subdivisions (23-3); AB 1302 (McCarthy) Rural Subdivisions (21-9); AB 1303 (McCarthy) Rural Subdivisions (16-11); Passage of AB 1303 on Reconsideration (21-14); AB 3066 (Z'berg) Park bonds (29-3); ACA 16 (Foran) Gas tax diversion (22-14)*; SB 325 (Mills) Sales tax on gas (22-13); Concurrance on SB 325 (27-4); AB 265 (Schabarum) Air Resources board reorganization (23-2); SB 789 (Petris) Air pollution (21-11) SB 891 (Whetmore) Air pollution (22-15); SB 556 (Alquist) Airport planning (31-2); AB 1608 (Townsend) Airport noise (23-8)*; Passage of AB 1608 on reconsideration (21-11); AB 151 (Crown) Bay bridge crossing (30-5); SB 434 (Gregorio) Toll bridges (22-8); SB 107 (Behr) wild and scenic rivers (19-14); Failure of SB 107 on reconsideration (19-17); AB 2851 (Roberti) Water pollution (11-8); SB 432 (Petris) Economic poisons (21-10); SB 504 (Lagomarsino) Access to public beaches (27-2); SB 490 (Moscone) Environmental damage as public nuisance (21-16); AB 1619 (Vasconcellos) Regional environmental councils (16-10); AB 660 (Dunlap) Mountain lions (28-2); SB 689 (Beilenson) Noise pollution (24-5).

Vote is on final passage unless otherwise indicated.
*⅔ vote required.

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AB 1057 would have created a forty-member (later increased to 75 members and still later to 83 members) Conservation and Development Agency for the nine-county San Francisco Bay Area, charged with drawing up a comprehensive resources plan for the whole region. The plan was to cover transportation, solid waste disposal, conservation and development of the San Francisco Bay, air and water pollution control, the development of parks and open spaces, and land development practices.

As with most of the other major pieces of environmentalist legislation this year, AB 1057 moved easily through the Assembly but ran into stiff and ultimately decisive opposition in the Senate. That opposition came from several sources. Many local government representatives strongly opposed an agency which would be controlled by a council which did not consist entirely of local officials. This was the position, essentially, of the League of California Cities, as well. Numerous private interests, including developers and real estate interests, also opposed the measure. However, the strongest opposition to the bill, when it finally reached the Senate floor in November, came from the California Republican Assembly. That organization, which has long fought against the growth of regional government and planning on philosophical grounds, put heavy pressure on conservative Republican senators to vote against AB 1057.

Proponents of the bill, led by the Association of Bay Area Governments and its contract lobbyist, Robert J. Beckus, did a tough, professional job of moving the bill through two Senate Committees, Local Government and Revenue and Taxation. Nevertheless, last ditch opposition on the Senate floor was successful in finally defeating the measure. Over the objections of the bill's supporters, Senator Clark Bradley got a majority vote to amend the bill to require a regional referendum to approve the agency before it could go into effect. At Knox's request the Assembly refused to concur with this amendment, and the bill went to conference. There Knox won agreement that the public referendum would follow rather than precede the agency's establishment, something he insisted upon, but when the conference report came up in the Senate in the last days of the session, he could not get sufficient votes for final passage.

Premature Subdivisions

Among the eight subjects of greatest consequence to environmentalists this year, it was only in the field of restricting the development of premature subdivisions that the environmentalists gained a major victory. The passage of AB 1300, 1301 and 1302, authored by Assemblyman Leo T. McCarthy, and their subsequent signing by the Governor, represent at this writing, the single positive achievement for environmentalists in the 1971 session. And yet the environmental lobby played a very small part in this victory; it is to Assemblyman McCarthy that, according to all accounts, the victory truly belongs.

Although destruction of the environment through unrestricted subdivision development, particularly in rural and mountainous areas, has long been the target of many writers and others closely identified with the conservation movement, the environmentalists had no specific proposal of their own to place before the 1971 session (with the possible exception of the land use aspects of the proposed State Environmental Quality Board). The package of bills McCarthy introduced were the product of his earlier subcommittee hearings and the staff work of Tom Willoughby, Consultant to the Assembly Local Government Committee. Moreover, it was McCarthy himself who guided the bills through the Legislature, arguing their merits, negotiating with opponents, counting votes, making those compromises which were necessary, and directing external support (press coverage, publicity among conservation groups, etc.) along the way.

McCarthy's original package (see *California Journal*, July-August 1971, pp. 199-200) included five bills, AB 1300-1304. AB 1300 is a consumer protection measure giving the State Real Estate Commissioner the authority to deny proposed "land projects" (rural subdivisions) on the basis of a review of their reasonableness with respect to financial provisions and offering lot buyers a 14-day cooling-off period before a sale becomes final. AB 1301, which is more important to environmentalists, gives local jurisdictions greater powers over subdivisions of all kinds. The measure establishes seven specific grounds for denial of a subdivision permit and requires local governing bodies to deny a permit where any of these grounds exist. Two other bills, AB 1302 and AB 1303 gave local agencies additional assistance in reviewing subdivision applications and required them to comply with state criteria in the preparation of local general plans. A final measure, AB 1304, which failed to get past the Senate Revenue and Taxation Committee, would have imposed a five percent tax on the value of each rural subdivision lot at the time of sale as a means for recovering public development costs. These bills, said McCarthy, "should be viewed as only the beginning of my subcommittee's efforts to develop strong legislation to regulate premature subdivision."

Despite persistent opposition from real estate interests, including the California Real Estate Association, and vigorous objections from developers, represented by the Western Developers Council, McCarthy was ultimately successful in getting four of his five bills to the Governor's desk and, at the very last minute, Reagan's signature on AB 1300, 1301 and 1302. (Reagan vetoed AB 1303 which dealt with state criteria for local planning.) McCarthy's success was certainly due in large part to careful tactical planning and tough negotiations; for each concession, given up only after the matter had been argued fully, and often not until he had counted votes and knew he couldn't get a particular item anyway, McCarthy insisted upon a firm commitment that the other side would drop its opposition or, in the case of a legislator, pledge him his vote. For example, he was successful in getting the Western Developers Council to drop its opposition by giving up any reference to price considerations in AB 1300, but only after he was certain he could not maintain that

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"Easy" Congressional Reapportionment Gets Crunched Between Rival Demands of Republicans and Democrats in the Legislature

"We began getting ready for this reapportionment in 1967," says Representative Phillip Burton, referring to the 1971 decennial redrawing of congressional districts to reflect the changes in California's population since 1960. In 1967 the congressional lines were redrawn under the U.S. Supreme Court's one man, one vote mandate. At that time no district's population was allowed to vary more than five percent from the "ideal" based on the 1960 census, but within that limit, according to Burton, districts in areas where the population was known to have grown rapidly since 1960 were drawn about five percent oversize and in low-growth areas the districts were drawn five percent undersize.

That strategy, combined with the fact that California is entitled to five additional representatives, makes congressional reapportionment a great deal easier than reapportionment of either the Senate or the Assembly. Nevertheless, there proved to be plenty to fight about, and the final result was the product of hard bargaining, not only between Republicans and Democrats, but between the Senate and Assembly and between both houses of the Legislature and the congressional delegation.

Getting Organized

Planning for the 1971 reapportionment began in 1969 when Dr. Leroy C. Hardy, Professor of Government at California State College, Long Beach , began to gather preliminary census data and to plan for putting together the necessary political and demographic data. At about the same time an informal committee of the California congressional delegation was established at the instigation of Representative Burton. Also on the committee were John J. McFall for the Democrats and Republicans H. Allen Smith and William C. Mailliard. In mid-1970 Burton retained Hardy, who was paid "out of our pockets" by several of the Democratic members of the California delegation.

The general procedure for reapportioning Congress was laid out in meetings held early in 1971 after the Democrats regained control of both houses of the Legislature. It was agreed that the Senate and Assembly would each reapportion itself, without interference from the other house, and that the congressional delegation would develop a basic plan for reapportionment of congressional districts, subject, however, to change by either the Assembly or the Senate.

Three Guidelines

Burton gave Hardy three broad guidelines for developing the congressional proposal. The first was to strengthen all incumbents, with special concern for the senior members whose congressional seniority is so important to California. The second was to meet as many of the demands as possible of the chairmen and vice-chairmen of the Senate and Assembly Elections and Reapportionment Committees. The third guideline related to the allocation of the five new seats to which California is entitled by virtue of its population growth in the last decade. One of the new seats was to be a black Democratic seat in central Los Angeles. One new seat in San Diego County was to be a Republican seat for Senator Clair Burgener, one of the few state legislators who expressed a desire to go to Congress. In the other three seats, according to the Democrats, either the two parties would have an even chance or one would be Democratic, one would be Republican and one would be a toss-up.

A Republican spokesman gives a slightly different slant to what was termed Burton's "cunning" strategy. The black district in central Los Angeles had no rational justification whatsoever, according to this source, because it was created in an underpopulated area which, if anything, needed to lose representation. But, aside from the fact that Senator Mervyn M. Dymally, Chairman of the Senate Elections and Reapportionment Committee, wanted to have the district, it fit Burton's strategy perfectly by pushing all districts outward in a ripple effect, helping both Republican and Democratic incumbents. And what incumbent would not support a plan which strengthened his district, no matter how well he had run last time? With the Republican congressmen in general agreement, Burton was in a strong position to do whatever he wanted with the five new seats. And by strengthening already strong Republicans he was able to propose what he described as a 1-1-3 plan which was, according to the Republicans, really a 4-1 plan favoring the Democrats.

First Draft

In May 1971, Hardy went back to Washington D.C. with a broad outline of what a congressional plan might look like. On that trip, Hardy says, he discussed the plan one by one with those congressmen who were going to be most affected by the redistricting. He especially had to check with those surrounding the new

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black district to see what new area they would accept to make up for lost population. Hardy says he spent fully a third of his time just on working with the congressmen who districts were adjacent to this new district. Hardy also had to check with congressmen with surplus populations in the Santa Clara County area to see what territory they were willing to give up. The Assembly allowed Hardy to do the political analysis of the districts he proposed on the computer facilities of American Computer Resources, the firm which the Assembly Democrats hired to handle their computer work.

By July the specific shape of the plan began to emerge. In that month Hardy returned to Washington to present to all members the final congressional draft of the plan. The plan and the related political data for each district were checked out by H. Allen Smith and the Assembly Republicans' consultant, Alan Heslop, Chairman of the Political Science Department at Claremont Men's College. The Republicans used the San Diego computer firm of Compass Systems and paid the costs through donations raised by the Republican State Chairman, Putnam Livermore.

Hardy argues that Parkinson's Law applies to reapportionment decisions as well as to corporate decisions. The broad outline of districts, like the million dollar expenditure, is relatively easy to decide. But, like the decision about the coffee fund, the details of whether the campaign manager or secretary or "the place where I started my political career" are in the district take forever to resolve.

Final Draft

In September Hardy presented his final congressional proposal and its accompanying data, incorporating as many of the requests as possible. The plan is described by Hardy as a 1-1-3 plan giving the Democrats the new black seat in Los Angeles and the Republicans the new seat in San Diego. The other three new seats, Hardy said, would be ones in which both parties have a chance to win. One of these seats is in the San Bernardino-Riverside area, another is in the San Mateo-Santa Clara area, and the third is in the southern San Joaquin Valley. The Republicans, however, objected that the three "toss-up" seats in fact all favored the Democrats.

"Marginal" Districts

Throughout the negotiations on all three reapportionment plans, the two political parties have failed to reach agreement on what is and what is not a marginal district. This problem is not surpising given the volatility of California voters and the enormous variation in candidates and district temperament. The proposed new San Joaquin Valley congressional district, for example, had a 61 percent Democratic registration, and Republicans, not surprisingly, were unwilling to call that a toss-up district. Yet in the same area Democratic incumbent Representative Harlan Hagen was defeated in 1966 in a 65 percent district. On the other hand, Democratic Assemblyman Ken MacDonald holds a seat which is about 52 percent Democratic, a "sure" Republican seat, it would seem. As Assembly Elections and Reapportionment Committee Chairman Henry Waxman put it, a Democratic seat is a seat held by a Democrat and a Republican seat is a seat held by a Republican. Beyond that, there is no agreement.

The final phase of the congressional reapportionment process involved presenting the plan to the Legislature and getting it adopted. This proved to be a much more difficult job than Burton or Hardy expected. On October 21st, Senator Dymally unveiled a significantly revised version of the congressional plan, the first plan to be made public. Every district in the Senate version differed slightly from the congressional version, because the Senate did not split census tracts, but there were, in addition, three major differences between the congressional version and the Dymally version:

- The new Los Angeles black district was changed because Dymally felt it was not black enough — it contained Torrance and Palos Verdes, which he felt might be hostile — and not Democratic enough. Dymally took out Torrance and Palos Verdes and added Culver City, raising the Democratic registration from 67 percent to 71 or 72 percent and raising the proportion of blacks from 46 to 48.9 percent.
- A change was made in the new Valley seat and those of incumbent congressmen Charles M. Teague and Barry Goldwater, making the new San Luis Obispo-Santa Barbara-western Kern County district a Republican seat instead of a toss-up; giving Goldwater eastern Kern County and the desert, taking away Ventura County, which he didn't want; and giving Teague Ventura and part of Santa Barbara County.
- The new San Bernardino-Riverside district was made Democratic instead of a toss-up, but it left likely candidate and former congressman George Brown Jr. out of the district.

Dymally agrees with Republicans who say the proposal submitted by the congressional delegation is a 4-1 plan. He argues that trying to pass such a plan does not reflect current political realities in the Legislature. He describes his plan as a 2-2-1 plan, with the new seat in San Mateo County a toss-up, or possibly a 3-2 plan, favoring the Democrats, if Representative Paul N. "Pete" McCloskey runs in the new Santa Clara district and leaves the San Mateo district open, a decision which would all but assure a Democratic victory there.

On November 2nd Waxman announced the Assembly's version, which was basically the same as the congressional delegation's version. Now began hard bargaining behind the scenes to attempt to reconcile the Assembly-Congress version with the Senate's version and to reach agreement on a plan which could gain the support of the Senate and the Assembly. Burton came to Sacramento to spearhead the effort.

The basic struggle was over the five open seats and which party would have the advantage in each of them. And the crux of the problem remained in defining what was a toss-up seat and what was not. There was early acceptance of the Dymally "reality" that it was not possible, no matter what congressional Republicans did, to pass a reapportionment which Republicans in the Senate and Assembly felt was a 4-1 plan. But whether a compromise could be reached which everyone agreed was a 2-2-1 plan or whether a 3-2 compromise could be forced through, favoring one side or the other, remained to be seen as this went to press.

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State Continues to Play Small Role in Ski Area Safety Despite Growing Public Concern

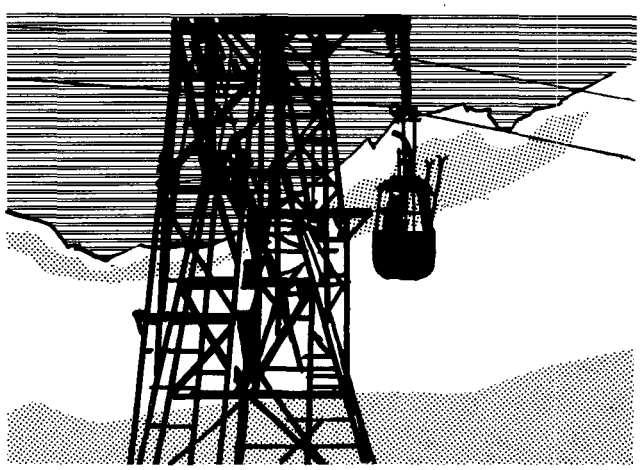
One of the great attractions of skiing, particularly for those who have progressed beyond the beginners' hill, is the freedom from mechanical gadgets which the skier enjoys in his descent down the mountain. Apart from the bindings which hold boots to skis, the skier's equipment includes no moving parts, no machines which can turn on him, as machines will do, and bring his swift motion to a halt. It is not surprising, therefore, that the one machine to which the skier has become captive (and which has been the principal factor in the tremendous growth of skiing over the past two decades), is an object of considerable mistrust and occasional anger. The ski lift, which, after a short or long wait, takes the skier to the top of the run, and thus gives him the freedom of his descent, may also fail to perform as expected, leaving the skier stuck at the bottom of the hill or, worse, stranded high in the air at the mercy of cold winds and old fears.

Most skiers learn to take minor inconveniences — a temporary stoppage or a shut down due to high winds — in stride. But when more serious accidents occur, when skiers are left stranded in an open chair for hours or when a lift backs up or drops its passengers into the snow, it is a different matter. The accident last February at Squaw Valley in which five persons were injured when the Emigrant Peak chair lift dropped to the snow stirred up a mixture of fear and anger among skiers which has barely subsided even now, nine months later. Another major accident this winter, at Squaw Valley or any one of the three dozen other ski areas in California, will surely touch off an outcry among skiers which will shake the ski industry right down to its ticket windows. And there seems to be little reason to believe that there won't be such an accident, despite the obvious efforts of ski area operators throughout the Sierra to reassure the public about the safety of their facilities.

Accident Risk

To those who protest what they believe to be a lack of adequate safeguards in the operation and maintenance of ski lifts and runs, Squaw Valley's Alexander Cushing replies, "Skiing is inherently risky." He is right, of course, for although improvements in ski bindings, the growth of professional ski schools, and measures to reduce the risk of avalanches have helped to hold down accident rates, the increase in the number of new skiers who crowd the slopes every year, as well as the increased number of advanced skiers searching out new runs, has held accident rates at a disturbingly high level year after year. Yet Cushing's remark, which might have been accepted years ago when skiers were a relatively small band of devil-may-care types, is hardly an adequate response today in view of the mass of skiers who swarm over the mountains every winter. Skiers are becoming more and more safety conscious and less and less tolerant of conditions which they believe add unnecessarily to the risk of serious injury. They are increasingly inclined to demand that ski area operators show a strong regard for minimizing both natural and manmade hazards, and when they believe they are not being adequately protected, they respond with lawsuits and vociferous demands that the state do something about it.

The individual skier is responsible for his own safety insofar as it is related to his level of ability, his willingness to pay for instruction, and the extent to which he exercises reasonable caution in his skiing. He is dependent on others, however, for the design and manufacture of safe equipment; the construction, operation and maintenance of safe ski lifts; rescue and first aid if he is injured; and protection from natural and manmade hazards on ski runs. The protection of skiers from hazards on ski runs, including such things as avalanches, hidden cliffs, and uncovered rocks, is the



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responsibility of the ski area operators, with some assistance from the volunteer personnel of the National Ski Patrol and state and federal snow rangers. The rescue and care of injured skiers is largely the responsibility of the volunteer ski patrol personnel, although the larger ski areas often supplement the volunteers with professional ski patrol personnel who are trained for rescue operations on the steepest and most difficult terrain. The design and manufacture of ski equipment which will reduce or minimize injuries, and especially the development of "safety" bindings which will release the skier's boot from his skis in a fall, is now almost solely the responsibility of the equipment manufacturers.

State Responsibility

At present just about the only point at which the state intervenes on behalf of skiers is in regard to the construction and maintenance of ski lifts. In 1956, just as the great surge in skiing was beginning, the Department of Industrial Relations, through its Division of Industrial Safety, began to make periodic inspections of new ski lifts — rope tows, poma lifts, J-bars, T-bars, chair lifts and, later, gondolas and trams — to see that they conformed to the same general standards of construction as were required of elevators. It was, in fact, the Elevator Section of the division which was assigned this responsibility and which continues to conduct such inspections today.

In 1965 the Legislature formalized this responsibility by amending the Labor Code to require the Division of Industrial Safety to inspect every ski lift for conformity with its standards at least once a year, to issue permits for up to one year for approved lifts, and making it a misdemeanor to operate a lift without a valid permit. Although the division is primarily concerned with the safety of employees, it is obvious that the intent is to protect all users of ski lifts.

Five years earlier eastern ski area operators and the American Society of Mechanical Engineers had cooperated in drawing up the first comprehensive set of standards for ski lift construction, and these standards were helpful to the state in developing its own regulations. The national standards were designed primarily as an aid to operators in obtaining insurance, however, and were not regularly revised to keep pace with the changes in ski lift technology. Thus the state's regulations, the Aerial Passenger Tramway Safety Orders, in Title 8 of the California Administrative Code, are much less detailed and somewhat more flexible than the national standards.

State Standards

The state's regulations deal with such matters as the location of power units, types of braking systems, the placement and housing of bull wheels, the placement and protection of towers, the attachment and spacing of chairs, the manning of terminals, and the provision of special safety devices. The state requires that the plans for the construction of all new lifts (excluding rope tows) be submitted to the Division of Industrial Safety, together with certification by a qualified engineer. Upon completion of construction, the operator must submit certification by a qualified engineer that the construction followed the approved plans. New lifts then receive an on-site visual examination by a division safety engineer, and that inspection is repeated annually, usually in the fall or winter. Division personnel report that they are hard pressed to keep to this schedule, however, as their staffing has not kept pace with recent increases in the number of ski lifts they must inspect. It is estimated that the division is now able to devote only the equivalent of one man-year to carrying out inspections of some 300 lifts.

In March of 1970, a new set of national ski lift safety standards was published by the American National Standards Institute (ANSI) for the National Ski Areas Association and the American Society of Mechanical Engineers. It has been suggested that these standards be adopted by the state, just as the U.S. Forest Service has adopted them for its use in regulating permittees who operate on National Forest land. According to ski area operators and state officials, however, the ANSI standards, which continue to be aimed primarily at insurance requirements, are too vague to be enforceable in many key elements, and in other respects are so stringent as to be unrealistic. An effort by the National Ski Areas Association to revise and update the ANSI standards for use as "guidelines" has so far failed to produce a document which the members will accept. Thus the Division of Industrial Safety, which is now preparing a revision of its regulations, is again drawing on its own experience, in large part, rather than simply adopting the ANSI standards. It is difficult if not imposible for the layman to determine whether the state standards will be more or less stringent than the ANSI recommendations, but inspectors for the state claim that the state's standards will be just as tough if not tougher.

For their part, according to Jay Price, president of the Sierra Ski Area Operators Association, the operators are nearly unanimous in saying that they want "tough ski lift standards which are rigorously enforced." Fearful that accidents such as those which occurred last year at Squaw Valley will discourage large numbers of skiers and potential skiers (Squaw's popularity dropped sharply following extensive publicity about the Emigrant Peak chair lift accident, a fatal fall by another skier at about the same time, and the ensuing bitter resignation of Cushing's mountain manager), the other operators are now prepared to go to some lengths to reassure the public. Most operators would like to see the state step up the frequency of its inspections, and complain that false economies in Sacramento have made it difficult for state inspectors to meet even the once-a-year statutory requirement.

Others, including Arnie Allen, the State Park Department's snow ranger assigned to Squaw Valley, argue that in view of the number of lifts now operating, and the number of persons who ride those lifts on weekends, there is more than ample justification for the state to station an inspector in the Tahoe area all winter, so as to provide weekly or daily surveillance of lift maintenance and operation. Several operators in

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University and College Students Seek to Establish an Effective Presence in Sacramento

By Laura Magnani

During the 1964-69 era of campus turmoil it was a common complaint among students that "No one in state government gives a damn about the students." It was widely believed that the only interest among legislators and the Governor was to "subdue the revolutionaries." On the few occasions when students met with government officials and politicians during this period, each side tended to lecture the other on the "realities" of life as it saw them, and there was little real communication.

Despite this, or, perhaps, because of it, students began coming to Sacramento in 1969, at first in small, self-conscious groups, and then in larger numbers as the first emmissaries returned unharmed from that "other world." Campus disorders that fall had provoked massive legislative retaliation in the form of threatened budget cuts, pressure on administrators and faculty, proposed restrictions on campus activities, tougher rules for dealing with those who participated in disturbances, and strong oratory about cleaning out campus "radicals." Faced with this threat, and concerned that perhaps state officials knew little about students as individuals except for what was printed in the newspapers and shown on television, students from the University of California and the state colleges began a procession to Sacramento which has dramatically changed the quantity and character of communication between students and state officials over the past two years.

EOP Example

Many of the first students who journeyed to Sacramento in 1969 came for the specific purpose of pressing for an expansion of the educational opportunity programs (EOP) on the public campuses. Because many of these students were themselves enrolled in such programs, they had few compunctions about going straight to legislators and arguing their cases directly and forcefully. Although their efforts were not always successful, their example was not lost on other students who saw that the same tactic might be helpful in attempting to stave off the mass of repressive legislation so many students feared. Aided by well-established "cause" lobbyists such as the Friends Committee on Legislation and the American Civil Liberties Union, plus representatives of the University and state colleges and sympathetic legislators and legislative staff members, these students were able to help block nearly all of the punitive legislation which had been introduced in the 1969 session.

Although some Assemblymen and Senators objected to these student visits, saying that the students should be giving more of their energies to their studies, the majority were receptive to or at least tolerant of this kind of lobbying. For their part, some of the students were concerned that they might be accused of "selling out to the system" by campus activists, but they were willing to take that chance if they could have some real impact in Sacramento. Perhaps the principal achievement of the earliest efforts at student advocacy, therefore, was to dispel misconceptions on both sides, paving the way for more effective communication on specific issues.

Tuition Fight

In 1970 there were two such issues: tuition and continued state funding for educational opportunity programs. Several proposals were introduced early in the session departing from the minimum fee concept for California's public institutions of higher education in favor of a tuition charge intended to recover a portion of instructional costs. Governor Reagan and many legislators clearly favored some form of tuition for University and state college students, although there was no concensus as to the form it should take — a flat increase for all students, a "graduated" tuition related to family income, or a full-scale tuition and loan scheme. It was, in fact, the failure of the proponents of tuition to agree on a single plan, rather than student lobbying, which finally killed any chance of legislative atcion. However, a majority of the Regents of the University of California were able to agree on a plan and, under their broad authority, acted to raise University tuition to $150 in 1970-71 and to $300 in 1971-72.

University students suffered a second defeat on the issue of state funding for educational opportunity programs. Although state colleges and community college students, working with system administrators and friendly legislators, were able to obtain small increases in funding for their programs, University students failed for the second straight year to get state money for the University's programs.

Throughout the 1970 session student advocacy operated on an *ad hoc* basis, with students coming to Sacramento individually or in small groups with no firm constituency. Most came simply as concerned individuals, knowing that they could not claim to speak for any large proportion of their fellow students. Some came, of course, as student association officers, but even they were painfully aware that they could claim to represent only a relatively small percentage of the stu-

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dents, inasmuch as campus elections seldom draw more than a 20 percent turnout. Thus, many of the students frankly conceded that they spoke only for themselves, and they occasionally won favor with legislators because of their candor.

Next Step

Nevertheless, by the fall of 1970 a number of University students who had participated actively in lobbying during the session just ended had become convinced that a more organized effort, centered about a full-time lobbyist stationed in Sacramento, was an essential next step. Late in 1970 these students launched a campaign throughout the University system aimed at building student support for a full-time lobbyist and gaining pledges of financial support from the student governments on each campus. Within a few months seven of the nine University campuses had agreed to sponsor the plan and to contribute $25,000 toward its cost.

It was also agreed that the lobbying effort would be directed by the student presidents of the participating campuses and that they would select the lobbyist to represent them. The man who was finally chosen was Richard J. Twohy, a 27-year-old Sacramento attorney whose father has been a lobbyist for many years.

Twohy began in late February 1970 with a salary of $800 a month and high expectations on the part of the student presidents. His first responsibilities were to set up a Sacramento office, hold an initial series of press conferences and meet the legislators. In addition, he was required to meet frequently with student government officials to work out the direction the lobbying operation was to take, while also attempting to coordinate the work of a number of student interns on one-quarter leaves from the various University campuses. In short, Twohy found that he had the multiple responsibilities of a professor, policy maker, advocate, and public relations man all rolled into one.

Dissatisfaction

Soon, however, there were expressions of dissatisfaction from several quarters. Some of the interns complained that they were not being put to the best possible use, and the student presidents began to disagree on basic goals and procedures for the lobbying program. Then the end of the spring quarter and the start of the summer session brought a completely new set of student presidents and a sharp increase in the number of students seeking to participate — many more than the new office could be expected to accommodate.

Twohy was eased out of his job in August. To his great credit, he departed without rancor, issuing a statement in which he asked legislators to give the developing student lobby a chance to succeed and to understand the difficulties the students face in such an effort. "It is of course true that continuity in an advocacy group is important to the lawmakers who must count on its word," wrote Twohy, "and I don't deny being disheartened myself at the sometimes volatile nature of a student-run project like this. But the lobby is not typical of the political groups in Sacramento, and you cannot expect of it the stability you expect of others. Its moods and trends of youthful concern are likewise subject to continued change. These may be in a sense weaknesses, but they are also strengths. They give the Lobby a nearly unique ability to keep you as lawmakers in tune with what is most current in your younger constituency."

New Approach

Twohy was replaced by two June graduates and former student vice-presidents from the Santa Barbara campus, Kati Perry and Paul Gassaway. Both had majored in political science and had previously interned with legislators and in the student lobby office. It was their intention, they said, to move away from the idea of a single, paid lobbyist acting as the spokesman for all University students toward an emphasis upon coordinating the efforts of individual students and groups of students who will speak for themselves in the offices and committee rooms of the Legislature. Their hope is to use the office as a training and information center linked to each of the campuses through "annexes". The campus annexes are to be responsible for keeping students throughout the University system informed as to what is going on in Sacramento and for maintaining a flow of research from the campuses to Sacramento. It is also intended that students will use the resources of the Sacramento center to aid in mobilizing voters in the legislative districts on issues which the students believe to be significant.

Funding

With the new effort just under way, it is difficult to predict how successful it will be, but the students themselves appear optimistic. For one thing, they have succeeded in obtaining some $42,000 in campus support pledges (only Santa Cruz, which has a very limited student government, is not participating), and are projecting a total budget of $91,000, with the additional funds to come from foundation grants and individual donations. In October several Regents challenged the legality of the use of student funds to finance legislative lobbying, in what the Los Angeles Times described as a "flank attack" on the student lobby. However, the Regents' own counsel reported back in November that there were no legal grounds for such a challenge. And, somewhat surprisingly, several Regents have been helpful to the students in obtaining private gifts to support their operations.

State Colleges Effort

While the University students have been developing this relatively elaborate structure, state college students have continued with a less organized mode of operation, partly by choice and partly because they lack the necessary funds. In doing so, they have received some encouragement from legislators and legislative staff who argue that it permits a more direct and relaxed form of personal communication with legislators.

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STUDENT LOBBY *(Continued from previous page)*

Two Sacramento State College students, Joe Hay and Ed Murray, both graduate students in political science, act as the representatives of the students of the 19 California State Colleges under the sponsorship of the council of student presidents. Although they are full-time students, they try to testify in committee hearings on matters of importance to state college students and to maintain necessary contacts with legislative staff. Both students acknowledge the difficulties under which they work, but they argue that they have the advantage of being "on the scene," close to the capitol, and they see their lobbying activities as an opportunity for students "to match the establishment at its own game."

One of their objectives this year is to secure passage of a bill, SB 433 (Collier), which will authorize the expenditure of state college student government funds for lobbying, something they have been told is illegal under present provisions of the Education Code. The bill has been passed by both house and at this writing appears to have a good chance of enactment. If so, the state college student lobby may be expected to become somewhat more formalized and ambitious as it obtains the funds necessary to carry on a continuing operation.

Choosing Targets

A major problem for the students of both systems has been the selection of issues which are to be the primary targets for their lobbying efforts. This year the student presidents of each segment have exercised this responsibility in much the same fashion as the executive committees of any lobby group selects its priority targets. However, the frequent absence of direction when decisions had to be made on the spot — a problem common to nearly all lobbying efforts — plus the desire of students to participate in a broad array of social issues, has created a good deal of dissatisfaction with this system. As a consequence, University students are experimenting this fall with a series of campus-wide referenda to select the issues which are to be pursued in Sacramento.

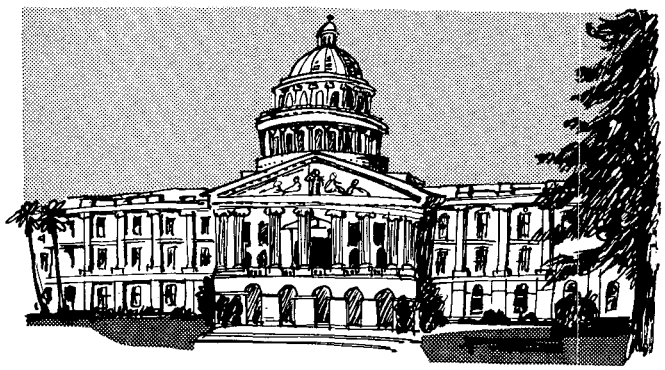
By and large, the student representatives and the official Sacramento spokesmen for the state college and University administrations have lived in "peaceful coexistence," although the students tend to want to move faster and farther on same subjects that the institutional lobbyists think is necessary. The state college students have had very little to do with the official state college representatives, but Kati Perry and Paul Gassaway are developing increasingly close ties with the University office, as they find that there is much to be gained by such cooperation for both parties.

Community Colleges

Community college students were the first to establish a regular lobbying effort in cooperation with the institutional lobbyists. In July of 1969 they entered into an agreement with the California Junior College Association to pay one-half the salary of a lobbyist who would devote his full attention to student interests and activities. This arrangement continued through June of 1971, when students were brought into the association itself and given nine positions on its governing board. Following this action, community college students abandoned their own separate lobbying efforts.

Thus, it is evident that students are experimenting with a variety of ways in which they can have a direct and continuing impact on legislative decisions in Sacramento. The exact form this effort will eventually take remains to be seen, however, and there is likely to be more experimentation in the future. The UC students see statewide coordination among students of the three segments as an obvious goal and talk of the formation of a statewide legislative office to serve all levels of higher education, including students at private institutions. In this way, say the University students, they can bring student pressure to bear on every legislator with a campus of any kind in his district, and this means virtually the entire membership of both houses. The state college students are not so enthusiastic, however, and argue that although a pooling of resources might be desirable, the complete unification of student lobbying operations would sacrifice attention to what they believe are basic differences in interest and outlook.

It is difficult to say how much the students have been able to accomplish to date. Richard Twohy claimed an 81 percent success record on some 47 issues at the time he left the UC student lobby, but such records often depend upon what is defined as "success" in each case. It is evident, nevertheless, that the students have established a presence in Sacramento and that they have developed contacts with legislators which have enabled them to present themselves as individuals whose interests, attitudes and convictions must be taken into account. And all of this has taken on additional meaning with the advent of the 18-year old vote. As Kati Perry says, "It may have been a bad year for the Legislature, but for students things are going uphill."



Consumer Complaint Hotline

Consumers may register complaints immediately via toll free telephone lines to consumer offices or Attorneys General in the capitals of Delaware, Georgia, Kentucky, Pennsylvania, Virginia, and Washington. To better hear consumer problems, a number of Attorneys General have opened branch office in large cities. Others regularly send investigators to various cities to hear complaints. Among states with these programs are Illinois, Maryland, New Jersey, Pennsylvania, and Washington.

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provision in any case. Moreover, McCarthy managed to reduce the effectiveness of his opponents by forcing them to give greater attention to AB 1300, the more popular consumer protection measure, than to AB 1301, which was the principal environmental bill in the package.

Environmental Quality Board

The concept of combining all state agencies which have a substantial role in environmental protection into a single unit has been popular among environmentalists for several years — particularly among those who tend to believe that such an action would in itself remove many of the principal obstacles to active and effective environmental protection by the state. Thus there was considerable interest in a bill introduced by Assemblyman Jesse M. Unruh in 1970 to create a single environmental protection agency. That bill was quickly killed, however, by the Republican controlled Assembly Natural Resources and Conservation Committee, where there was little interest in aiding Unruh's gubernatorial campaign. Nevertheless, the idea persisted and was the subject of discussions during the fall and winter of 1970 among environmentalists interested in backing a similar measure in 1971.

At about the same time the Governor's Environmental Study Council was preparing to issue a report recommending the creation of a single environmental quality agency, and Deputy Attorney General Nicholas C. Yost was drafting a bill to carry out the council's recommendation. When this became known, those who supported the idea quickly joined forces, setting up the necessary citizens' group, Californian's for Environmental Quality, a "letterhead organization" made up of most of the leaders of the existing environmentalist organizations, which in turn hired Michael Manley, Unruh's former legislative aide, as its lobbyist.

As it was introduced, the bill, AB 1056 (Z'berg) was clearly the single most ambitious package of environmental protection legislation ever placed before the Legislature. It would have created an Environmental Quality Board, aided by eight regional boards, patterned after the present water quality control structure. The new board was to have regulatory powers over air and water quality control, solid waste management, land use (including controls over the development of the coastline and Lake Tahoe), nuclear radiation, and noise abatement programs. It was also to have power to veto any proposed state or local project which in its view might substantially damage the environment. The board was to consist of seven full-time members responsible for policy formulation and direction of a sizable staff acquired from the existing Water Quality and Air Resources Boards.

Nearly all elements of the environmentalist lobby rallied to support the bill, although the PCL clearly did so with little enthusiasm, as it felt that the timing was wrong for a measure of such scope and far reaching impact and was not prepared to divert a substantial portion of its limited resources to backing it. The Sierra Club gave the bill its full support, although it was somewhat embarrassing for the club to do so as it had been a strong advocate of the notion that coastline legislation should be the single primary objective for the 1971 session.

Although the new agency had been proposed by the Governor's own environmental council, it was strongly opposed by the Reagan administration, which eventually produced a much less ambitious reorganization plan of its own. Moreover, the measure lacked strong support from Democrats, who were concerned that the bill was too hastily drawn and that too little was known about the probable impact of all of the provisions contained in its 200 pages. Thus, although Z'berg had little difficulty moving the bill through his own committee and the Assembly Ways and Means Committee, he had considerable difficulty in rounding up a sufficient number of votes (two-thirds) on the Assembly floor for passage. Because the bill was so comprehensive in its scope, it also attracted opposition from every affected interest — local government lobbyists, land developers, the water lobby, and many others. Moreover, a number of assemblymen who favored strengthening existing air and water quality agencies were not attracted to the idea of moving to create a super agency before other efforts had failed.

Z'berg was eventually forced to delete the appropriation (unspecified) from the bill so that a simple majority would be adequate for passage. In addition, according to opponents, he assured a number of reluctant Assemblymen that they could vote for the measure with the assurance that it would be killed in the Senate — not an uncommon tactic among authors who have exhausted every other possibility. In any case, Z'berg got his majority (46-26) on July 26th, and the bill moved to the Senate.

On the Senate side Z'berg had some hope that, with the pro Tem's help, he could get the bill assigned to the Local Government Committee rather than either the Natural Resources or the Governmental Organization Committees, but neither Z'berg nor Mills had sufficient leverage with the Rules Committee, which assigns all bills in the Senate, and AB 1056 proceeded to certain death in the Governmental Organization Committee. Z'berg apparently conceded defeat at this point, for he made little effort to sell his bill to the members of committee, other than assuring them that if they would pass it the Governor would surely veto it. The bill was killed with a 3-6 vote on November 8th.

Lead in Gasoline

Among the many bills introduced in the 1970 session to combat air pollution, one of the most important to environmentalists was a bill authored by Assemblyman Peter F. Schabarum, which was intended to force the oil companies to stop adding lead to gasoline sold in California. Despite strong opposition from the oil companies and the suppliers of lead, the bill got as far as the Senate Transportation Committee before it was killed. This year the effort was renewed with a somewhat "weaker" bill. The measure, AB 399, again authored by Schabarum, would have required a reduction

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in the tetra-ethyl lead in gasoline from 3.0 grams per gallon in 1972 to 0.5 gram per gallon after July 1, 1977.

AB 399 passed the Assembly on April 20th with a 59-6 vote. After several hearings before the Senate Transportation Committee, which environmentalists believe to be a stronghold of the highway lobby, the bill was defeated on June 12th on a 4-7 vote. It was not the highway lobby alone, however, which killed the bill. Although the PCL and a number of clean air groups which are members of the Coalition for Clean Air strongly supported the measure, the Sierra Club, which did not take a position at the outset, announced to the Senate committee that it opposed the bill because it was too weak *(i.e.,* moved too slowly in eliminating lead additives and gave too much local control). The Sierra Club's action, say the bill's supporters, provided an excuse for opposition votes by two members of the committee who otherwise would have had to go along with the bill, thus denying the measure what would have been a bare majority.

Gas Tax Diversion

According to environmentalists, one measure which truly provides a real possibility for reforming the state's transportation system — that is, for curing its "freeway mania" — is an amendment to the state constitution to permit the allocation of gasoline tax revenues to purposes other than highway building. The effort to prepare and present such an amendment to the voter began some two and one-half years ago when two members of the Assembly Office of Research got the Constitutional Revision Commission sufficiently interested in the idea to draft and eventually approve such an amendment. Assemblyman John Foran then put the amendment into a bill which he introduced in 1970. With the help of the League of California Cities and a strong San Francisco Bay Area coalition of environmentalists, plus considerable staff work, Foran got his measure past the Assembly on a close vote, but lost it in the Senate Transportation Committee.

Foran reintroduced his bill this year as ACA 16 and moved it through the Assembly with much less difficulty, getting a 64-9 vote on the Assembly floor, ten votes more than the two-thirds required for constitutional amendments. The bill was then assigned to the Senate Committee on Public Utilities and Commerce (following a route established earlier for President pro Tem James Mills' gasoline sales tax bill) where it encountered no serious obstacles and was moved easily to the Senate floor. There the opponent of the measure, the much dreaded (or respected, depending on one's point of view) highway lobby, having been denied an opportunity to kill the bill in the Senate Transportation Committee, was lying in wait. Clearly it was in the interests of the highway lobby — the oil companies, auto manufacturers and freeway builders — to commit its resources heavily at this point, for it could cost no more than a fraction of what it would cost later to fight a ballot proposition, if the bill was not stopped. Nevertheless, ACA 16 had at least an outside chance; Foran had strong support from an array of environmental organizations — PCL, the Sierra Club, the Coalition for Clean Air, and other active anti-air pollution forces — and, more important, he had his own close relationships with several senior members of the Senate.

In the view of many observers, however, ACA 16 was killed, in effect, when the Legislature passed SB 325, carried by Senator Mills, which extends the sales tax to gasoline and provides that the new revenue, estimated at $179 million per year, shall go to local public transportation agencies. SB 325 had been opposed by the environmental lobby on the grounds that it will simply provide a cash infusion for existing transit agencies without creating the possibility for a thorough restructioning of the state's total transportation network. This view was largely shared by the highway lobby, which supported SB 325 knowing that its passage would undercut efforts to get a constitutional amendment. (Mills also carried a constitutional amendment like Foran's, but did not push it.) Governor Reagan appeared to be reluctant to sign SB 325 when it came to him because of his previously stated opposition to tax increases, but reportedly did so under heavy pressure from the highway lobby and the federal government, which apparently saw this as a way of protecting its own freeway construction plans.

On November 14th, ACA 16 was brought up for a vote in the Senate, a vote of record inasmuch as its supporters knew they lacked the necessary two-thirds, and got 22 favorable votes. As of this writing the measure is still alive and being worked very hard by Senate Majority Floor Leader George Moscone, but its chances appear to be extremely slim at best.

Standing to Sue

At present, California law authorizes the Attorney General to bring legal actions to protect the environment from industrial and commercial activities which constitute a nuisance as defined by statute in 1872. A private citizen must show special injury to himself in order to bring suit. Four bills were introduced in 1971 to expand the possibility for legal action to protect the environment. SB 490 (Moscone) would have enlarged the definition of "nuisance" with respect to environmental pollution and would also have allowed private citizens to bring suit against such nuisances without the necessity for a showing of special injury to themselves. AB 838 (Hayes) and AB 985 (Z'berg) would have established a new cause of action, permitting individual citizens to bring court actions to enforce environmental protection laws, also without having to show a special interest in the particular violations. Supporters of these two measures argued that there are too many incidents of environmental pollution to be handled by the Attorney General alone. Both bills provided certain safeguards against an excessive number of private suits.

SB 490 moved through the Senate toward what appeared to be all but certain success in the Assembly. By the time it reached the Assembly Judiciary Committee, however, heavy lobbying by a number of opposing groups resulted in its defeat. AB 838 and AB 985 meanwhile had gotten through the Assembly but were

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defeated in the Senate Judiciary Committee.

The only successful bill among the four was SB 678, carried by Senator Robert J. Lagomarsino for Attorney General Evelle J. Younger. SB 678 authorizes the Attorney General to file suit to stop damage to the environment, including aesthetic damage, before it happens as well as after the fact. In addition, it provides that any party who files suit to halt environmental damage shall notify the Attorney General, who may join in the action. With strong backing from the administration as well as the PCL and other groups, the bill moved through both houses with little overt opposition and was signed into law by the Governor on November 16th.

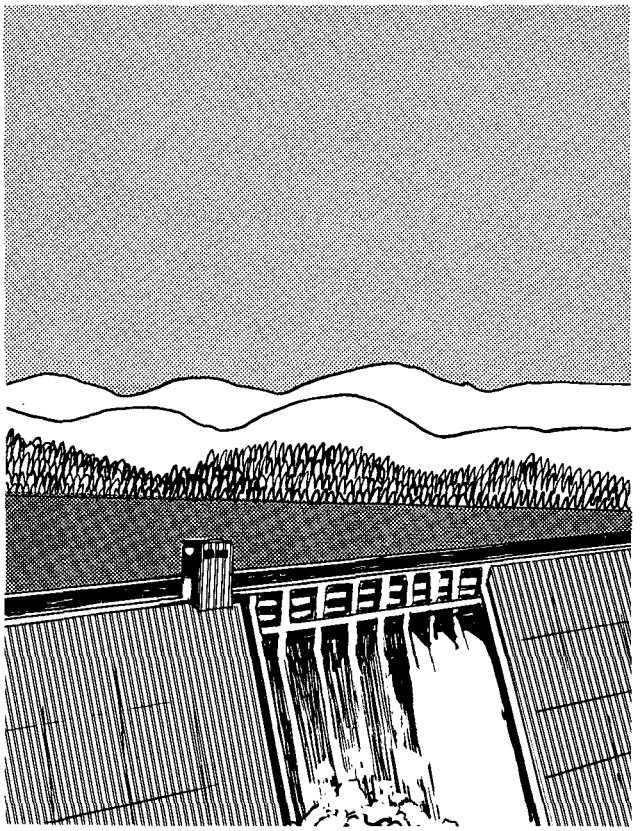
A Disheartening Year

"Although a few environmentally necessary bills have been successful this year," said Assemblyman Z'berg near the end of the session, "the list of defeats is disheartening." Assembly Minority Leader Bob Monagan was moved to comment that Californians concerned about environmental pollution "have had precious little reason to cheer the performance of the 1971 State Legislature." Among the eight principal areas of concern, environmentalists lost the two issues, coastline protection and wild rivers, in which they made their strongest efforts; they were defeated in attempting to create a new state environmental agency and in creating a Bay Area planning council; they lost on the gas tax diversion issue, and they made only a small gain on the question of standing to sue. The only legislation, in these eight areas, which represents a clear and important victory, McCarthy's bills to prohibit premature subdivisions, was achieved with very little direct assistance from the environmentalist lobby. The obvious question is, why was this so, why did the environmental lobby have so little success in relation to its objectives?

Nader Report Criticisms

Some of the severest criticism of the environmental lobby has come not from its third house foes but from Ralph Nader's task force, which this fall released its report entitled *Land and Power in California*. Speaking of the work of the environmental lobby in 1970, the report commented that " . . . all of their efforts seem marked by a disturbing kind of amateurism which usually ensures failure, but which taints even success with offensiveness. This is evident in mad scrambles for credit whenever success occurs and, more importantly, in the conservationists' almost complete failure to seek out other allies." Neither the Sierra Club nor the PCL has tried to gain support for environmentalist legislation from labor or consumer groups, said Nader's investigators, despite the frequent commitment of these groups to conservation causes. The report also attacked the factionalism which it found in the PCL and Sierra Club, charging that the PCL, originally set up as an "umbrella" lobbying group for environmentalists, has lost much of its potential effectiveness through "internal power struggles", and that in the Sierra Club "factionalism and lack of coordination abounds", with the result that the "mobilization of its membership has been sporadic and largely ineffective".

John Zierold, lobbyist for the PCL from 1965 to 1970 and for the Sierra Club in 1971, dismisses these



charges as inaccurate and uninformed insofar as they apply to the present. Although Zierold himself characterizes the efforts of environmentalists in 1970 as "disorganized, diffuse, and easily shot down," he says that this year they waged highly professional, well organized campaigns for coastline protection and preservation of wild rivers. In these two fields, says Zierold, environmentalists used their "Sunday punch", and their lack of success came not from their own failure but from the failure of the Senate to respond to the will of the people. The conflict between the Coastal Alliance and the PCL on the coastline legislation was not a serious obstacle to its passage, he claims. In 1971, he argues, there was more cohesion among the participating groups than there ever has been before, and, as a consequence, they were able to mobilize public opinion, stimulate community action and do all the other things necessary to get the maximum number of votes for the coastline and wild rivers bills.

Environmentalists can't compete with other interests in "government by toll gate", says Zierold, by which he means using campaign contributions as a means not necessarily of buying votes on specific issues

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but of ensuring that legislators, who have a strong sense of self-preservation, will give very serious attention to the contributor's interests. Nor is it enough, he says, to rely on what he calls "intellectual accupuncture", that is, the use of rational argument among persons with some basic intellectual affinity. Environmentalists must get the issues in which they are interested out in the open, he says, and they must stress public accountability for legislators. Thus Zierold likes to reverse the question, "Why has the environmentalist lobby had so little success this year?" to "Why has the Legislature again failed to enact necessary environmental legislation?"

Tax Disadvantage

Environmentalists can expect to be heavily outspent by opposing interests in Sacramento and throughout the state. Although it is impossible to make exact comparisons of expenditures for lobbying — the oil lobby, for example, spent substantial sums this session not only to defeat the gas tax amendment but to fight efforts to lower depletion allowances and to tax exempt income — it is safe to assume that environmentalists were outspent at least 10 to 1 in Sacramento. As the recent Nader report pointed out, non-profit "public interest" organizations cannot maintain their tax exempt status, which is essential to them in raising private support, and at the same time lobby for legislation they

believe to be needed. Thus, they must either lose that status, as the Sierra Club has done, or organize groups specifically for influencing legislation, such as the PCL, Coastal Alliance, and others, which will have a very difficult time raising much money. However, opposing interest groups, such as trade associations for manufacturers and land developers, as well as public and private utilities, can expend substantial sums for lobbying and charge the cost as business expense.

Thus the environmentalists can count on being out-manned and out-spent in the capitol for the foreseeable future. Moreover, the simple fact that the private interest lobbyists have been around a lot longer than the environmentalists, means that they often have much closer personal ties to senior legislators in the Senate, several of whom continue to wield tremendous power despite recent changes in Senate leadership.

Press Support

On the other hand, the environmentalists have a number of advantages, also. One is their ability to use the press and other media to help arose public opinion and to bring pressure to bear directly and indirectly on legislators when it is needed. Examples during 1971 are easy to find: articles in the *Sacramento Bee* and other papers regarding the effects of premature rural subdivisions were certainly helpful to the legislation which McCarthy subsequently carried; several papers, including the *Los Angeles Times*, ran editorials at crucial times calling for passage of the wild rivers bill; the coastline bill got heavy publicity, mostly favorable, in the news and editorial pages of papers throughout the state.

Another area in which the environmentalists may often have a clear advantage over opposing interests is in access to technical expertise. By and large, the environmentalists, rather than the developers, water agencies, and real estate associations, have the ability to marshall academic experts in ecology, biology, economics, and the various fields of engineering. According to legislative staff members responsible for organizing committee hearings to acquaint legislators and the public with the basic issues, the environmentalists have frequently proven themselves to be extremely adept at presenting experts who not only have facts at hand but can present them in a direct and understandable fashion, without resorting to unnecessary overstatement. Thus, legislators have become substantially less dependent upon industry experts for their information on specific matters before them than they once were. It may be, as Zierold says, that "intellectual accupuncture" is not enough, but it surely helps their cause considerably when the environmentalists are able to present more impressive technical material than their opponents, as they were on a number of occasions this year.

Third House Allies

Some environmentalists, taking issue with Nader task force criticisms, argue that they can expect to have few allies among other third house interests in their legislative battles. Labor they point out, is more likely to side with management on many environmental issues, particularly when unemployment is high and the legislation appears to threaten to reduce jobs. Consumers and students are not, themselves, well enough organized to be of significant aid. And minority groups may see a threat to their local strength in the increasing emphasis among environmentalists upon regional government. Yet the fact is that environmentalists can find allies among other interest groups on specific bills, and this was demonstrated in several instances this

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year. The California Rural Legal Assistance, the AFL-CIO, the Teamsters, the United Farmworkers Organizing Committee, and the County Health Officers Association joined with environmentalists in supporting SB 432 (Petris) giving the Department of Health a stronger hand in pesticide use in agriculture. The United Auto Workers were helpful in rounding up crucial votes for major environmental bills on more than one occasion, as was the California Medical Association. Experience suggests that if environmentalists are willing to treat each measure separately, to look for support as well as votes where they can find them just as other lobbyists do, they will often find valuable allies who can deliver a vote or two at a critical time.

Perhaps the principal difficulty for the environmentalist lobby in this regard is its tendency to get trapped by its own efforts to mobilize public opinion. It is essential to the success of most environmentalist measures that a strong show of public backing be made both before a bill is introduced and during its passage through the Legislature, and several of the organizations are very good at this. Nevertheless, it then becomes difficult for those who are working the bill to make the compromises which are necessary to gain essential votes. It is also difficult for them to make use of potential allies who may not be recognized or accepted as such by those supporters outside Sacramento who are inclined to demand loyalty on every issue. (Thus some Sierra Club members were reported to be outraged when one of PCL's part-time lobbyists helped another client to defeat legislation banning phosphates from detergents.)

Choosing Authors

This difficulty also extends to the selection of authors for major bills. Those who have never seen a bill worked through the Legislature in the face of strong opposition often tend to underestimate the importance of the work done by individual legislators who are intent upon getting their bills passed. But, as Assemblyman McCarthy's success this year with his bills, as well as the failure of at least one other major bill demonstrates, the effectiveness of the bill's author can be, and perhaps always is, the single most important factor in controversial matters. To be successful, the author must want to get his bill passed, he must have the ability and willingness to lobby influential legislators in the other house, he must know how to bargain without giving away more than he has to, he must know how to count votes, and he must know how to make pledges of support stick. All of this, of course, is well known to many in the environmentalist lobby. Their difficulty lies in the fact that they too often seem to feel that they must select authors only from those who have demonstrated their loyalty and purity in the past, and thus they needlessly limit themselves to a handful of legislators, not all of whom have the required abilities.

PCL's President Richard Wilson also argues that environmentalists must learn that they can't go for all or nothing in legislation, that they must try to get workable legislation to start with, and then build from that. Unfortunately, Wilson says, environmentalists are not good at staying with an issue after enactment, but tend to lose their interest too soon. As an example, he says, while environmentalists were out "pouring champagne over each other's heads" following passage of the Tahoe Compact in 1969, the opposition was busy preparing to get their people appointed to the commission. As an example of what can be done, Wilson and Tom Willoughby point to the initial success of the Bay Conservation and Development Commission, which, they say, has been a result not simply of the legislation but because individuals and groups in the Bay Area have made it their business to follow closely the BCDC's progress, and to demand that it live up to expectations.

Composition of the Senate

Those who participated in this year's defeats do not always agree on the reasons for their losses, but there is one point on which there does seem to be considerable agreement. That is that environmentalists will have little success in the Legislature until there is a change in the composition of the Senate. There are, they believe, too many Senators who have held their seats too long with too close a relationship to other interest groups to be reachable by the environmental lobby on any of the major issues. Thus if they are to obtain the legislation they seek, they believe that they must be prepared to make environmental protection an important, perhaps *the* important issue in the next elections in several senatorial districts. The elections in 1970 of Senators Peter Behr and Arlen Gregorio proved it can be done, they believe, although it is clearly one thing to fill a vacant seat and another to defeat an incumbent. In any case, it seems to be generally accepted that the effort must be made if the records of 1970 and 1971 are not to be repeated endlessly.

It is equally evident that opposing interests will be prepared to devote substantial resources to defending friendly incumbents and to defeating their opponents. So the environmentalists will have to be prepared to devote a very substantial portion of their resources to this activity, at the expense of their efforts next year in Sacramento. It will also require money and time and considerable numbers of people to carry out the Coastal Alliance's plan to get a coastline protection measure on the November 1972 ballot through the initiative process, and then to get it approved by the voters.

At the moment, environmentalists are not agreed on what this will mean for the legislative effort in the next session. Tentative plans call for the reintroduction of most of the major bills which were defeated this year, including measures dealing with the coastline, Bay Area planning, consolidation of state environmental control agencies, and vehicle inspection. It remains to be seen, however, whether environmentalists will be able to do the things they now think are necessary and still conduct an effective legislation program in 1972.

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California Journal / *NEWSBRIEFS*

Brophy Wins Upset Victory For Assembly Vacancy

Republican Bill Brophy won a stunning unset victory November 16th in the special election in the 48th Assembly District, overcoming a 62 percent Democratic registration advantage. Brophy received 16,346 votes, or 46.7% of the total cast; Richard Allatorre, his Democratic opponent, received 14,759 votes, or 42.2%; Raul Ruiz, a member of the newly organized La Raza Unida Party, received 2,778 votes, or 7.9%; and John W. Blaine, Peace and Freedom Party, won 1,108 votes or 3.2%. The special election in the Los Angeles County district was required to fill the vacancy created when David Roberti was elected to the Senate in July.

The election represented a bitter defeat for the Democrats on two counts. First, internal party disunity accounted for lost votes and bad feeling. Ralph Ochoa, Democratic runner up to Allatorre in the primary, failed to endorse Allatorre, an ommission which Assembly Majority Leader Walter Karabian blamed for the defeat. Secondly, the combined votes of the La Raza Unida Party and the Peace and Freedom Party — votes which might otherwise have gone to the Democrat — were more than enough to have given Allatorre the victory.

Remarkably, fewer votes were cast in the final election than in the primary. Brophy gained approximately 4,000 votes between the primary and the final, and Ruiz and Blaine approximately doubled their votes. However, Allatorre received only about two-thirds as many votes as were cast for the Democratic candidates in the primary. The reduced Democratic turnout can be attributed to the dissension within the party, although it is possible that the election-eve shooting incident in which Brophy's living room window was shattered also kept some voters from going to the polls.

Supreme Court Overrules PUC in Pacific Telephone Case

The California Supreme Court, in a unanimous decision announced on November 26th, struck down a Public Utilities Commission order which had allowed the Pacific Telephone Company to withhold some $60 million in tax savings from its customers. The opinion, written by Justice Raymond Peters, declared that the effect of a PUC ruling of last December was to "reward Pacific Telephone for imprudent management," by allowing the company to maintain its existing rate schedule despite the fact that in switching to a more liberal depreciation allowance it stood to save about $1 billion in federal taxes over the next ten years. As a result of the Courts' decision, Pacific's customers are expected to get a substantial refund.

Leading the fight against the PUC ruling was William Bennett, a former PUC member and now a member of the State Board of Equalization. Bennett and his law student group called Consumers Arise Now were joined in appealing the PUC ruling by the City and County of San Francisco. Bennett, who has led several successful antitrust fights before the U.S. Supreme Court against the El Paso Natural Gas Co. is now trying to stave off legislation before Congress which would reverse those earlier victories.

Auto Repair Watchdog Agency to Protect Consumers

On November 22nd Governor Reagan signed into a law a bill authored by Senator Anthony Beilenson, culminating an eight-year effort by the Legislature to create a watchdog agency to control automobile repair fraud. The bill, which Beilenson carried three times before, will set up an agency to oversee automobile repair practices, and will be financed by an annual license fee of not more than $50 paid by the repair shops. The new agency will be staffed by automobile experts who will have the authority to investigate consumer complaints and conduct spot checks on garages and repair shops. If the agency investigators uphold consumer complaints of fraud or malpractice, the shops will be subject to the loss of their licenses, as well as fines of up to $1,000 or six months in jail, or both.

Although the bill ran into some early opposition from individual shop owners, it later won support of the Independent Garage Owners Association. The law will make shop owners liable in cases of fraud but not individual mechanics. In commenting on the passage of the bill, Beilenson said the new agency will provide the "victimized motorist an effective means of redress." He also praised the industry representatives who supported the bill, and said their support and cooperation was needed "because the reputation of an entire industry has been tarnished by a minority of unscrupulous operators."

Methadone Program Expansion Vetoed by Governor

Despite pleas from legislators that the state's methadone treatment program for heroin addicts is inadequate to meet the state's addicts' needs, Governor Reagan vetoed a bill authored by Assemblyman John Vasconcellos that would have expanded the $5 million program. The bill passed the Assembly 56-18 and the Senate 31-0. Vasconcellos said the bill would broaden the program to aid an estimated 5,000 heroin addicts throughout the state who are on waiting lists to be included in the methadone programs. Regan, however, vetoed the measure on the grounds that it was "premature" and that more studies and evaluation will have to be undertaken with the existing program before it is expanded. "We now have a $5 million program and it is being carefully watched, and our feeling is that the bill was premature considering there have been deaths from methadone," Reagan told a press conference in response to questions about his veto of the measure.

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State Colleges Win Statutory Authority to Become Universities

On November 29th Governor Reagan signed legislation changing the name of the California State Colleges to the California State University and Colleges. Under the provisions of the new law, the Trustees of the state colleges and the Coordinating Council for Higher Education are to jointly develop and approve criteria to determine when each of the 19 state colleges may call itself a university. In announcing that he would sign the legislation, Governor Reagan urged the Trustees and the council to "move to bestow on each campus the distinction of 'State University' as soon as possible." The new title, he said, does not imply any change in function for the colleges, but is intended only as "a dramatic acknowledgement of the excellence in teaching which the men and women of the State Colleges have achieved over the years".

Legislation to change the name of the state colleges has been introduced in the Legislature every year for the past five years, usually to be passed by the Assembly and defeated in the Senate. This year's bill, carried by Assemblyman E. Richard Barnes, was the first to get past the Senate floor. Opponents of the legislation have argued that the name change will either be meaningless or that it will constitute authority for the colleges to seek funding for research and doctoral programs comparable to those of the University of California. There is no justification, they say, for two university systems in California. State college officials have argued that the name change will help the colleges in such matters as the recruitment of faculty, without changing their basic function. Several of the colleges, according to Chancellor Glenn S. Dumke, "are already in fact universities". A spokesman for the coordinating Council for Higher Education has stated, however, that the council may attempt to write very tough standards which the individual colleges will have to meet in order to become universities, thus suggesting a different understanding of the significance of the new legislation.

Full Legal Rights Approved For 18-year-olds

The Legislature, taking its cue from ratification of the 26th Amendment, passed legislation authored by Assemblyman Paul Priolo that will extend full adult status to 18-year-olds. The bill, which won an easy 65-2 victory in the Assembly in July, was finally approved by the Senate on November 17th, 22-11, but without a provision that would have granted 18-year-olds the right to enter bars or buy liquor in the state. The bill will grant full adulthood rights to the 18-year-olds, except that the courts may sentence an 18 to 21-year-old to Youth Authority facilities rather than to a state prison.

Although Reagan had earlier opposed extending the franchise to 18-year-olds, Priolo said he believed Reagan would now sign his measure. If Reagan vetos the measure he will also, in effect, kill a companion bill authored by Assemblyman Robert Cline that calls for a vote to amend the State Constitution to allow 18-year-olds to purchase liquor. Reagan has said he would like to see the measure put before the voters on the 1972 ballot.

State Bar Board of Governors Supports "No-fault" Insurance

The Board of Governors of the California State Bar Association, meeting in San Francisco last month, surprised observers by voting in favor of establishing the controversial "no-fault" insurance program in California, and appointed a five-member committee to help draft legislation to have the plan put into law in California. In taking this action the Board of Governors ran contrary to many of its 34,000 members who vigorously opposed the numerous "no-fault" bills introduced in the Legislature this session.

The bar's action follows on the heels of the defeat of the Legislature's last remaining "no-fault" bill, AB 1505, authored by Assemblyman Jack Fenton. In pushing for the legislation, Fenton used many of the arguments advanced by the CBA's Board of Governors. Although the bill won passage through the Assembly, it died in the Senate Judiciary Committee. Committee members, who voted overwhelmingly against the bill, said the major fault of the bill lay in its structure and preparation, and not in the concept of the proposal itself. Under the Fenton bill, which was partially modeled after the Massachusetts law, victims were to receive up to $10,000 in compensation for injuries suffered in an accident, regardless of liability.

Attempt to Override VD Instruction Veto Fails

The second major attempt to override one of Governor's Reagan's vetos went down to defeat November 23rd when Assemblywoman March Fong failed to muster the two-thirds votes necessary to override the veto of her "venereal disease instruction" bill, AB 950. Mrs. Fong said the Governor had used his veto power "capriciously." She also claimed that Reagan is "so dreadfully uninformed that he has done great damage to the people of California" in vetoing the bill.

AB 950 would have allowed the public schools in California to disseminate information in the classroom concerning the various forms of venereal disease and means of checking their spread. The major stumbling block, however, was the provision in the bill that the information could be given to the school children without prior parental approval. In vetoing the measure, the Governor's said the bill would have conflicted with the current state policy of allowing parents to review instructional material, and to withdraw their children from classes if they object. Fong, however, claimed the bill would not conflict with the existing law. In calling for the veto override, she cited the growing incidence of venereal disease among children in the public schools. Her arguments swayed only five Assembly Republicans to her side, and the request for override died with a 45-27 floor vote.

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the area would undoubtedly agree, particularly if the state would station its inspector at Squaw Valley, with instructions to give particular attention to Alec Cushing's 22 lifts.

Forest Service Inspections

Those ski areas which have one or more lifts on National Forest land are now regularly inspected by the U.S. Forest Service snow ranger in the area. The snow ranger is concerned not only with lift safety but safety on the ski runs, the maintenance of reasonable health and service standards in the ski lodges, and the protection of federal land from excessive abuse. The snow rangers are not engineers, however, and therefore cannot provide the sort of lift inspections which will help to prevent major mechanical failures. The nearest qualified Forest Service engineer is stationed in San Francisco. The Forest Service, nevertheless, appears to be stepping up its efforts to promote ski lift safety. In January of this year the Forest Service and the state's Division of Industrial Safety signed a memorandum of understanding in which the two agencies agreed to conduct joint inspections of both old and new facilities and to share information on lift construction, maintenance, and operation for all areas which require a Forest Service permit.

The Forest Service has no jurisdiction on smaller ski areas which operate entirely on private land, however, nor does it concern itself any longer with Squaw Valley. Two years ago the Forest Service and the State Park Department concluded an agreement giving the state full administrative responsibility for Squaw Valley, including all lifts and ski runs. The state's snow ranger (who this winter will have an assistant to help him provide coverage seven days of the week) is primarily concerned with avalanche control, in which he assists the area's 12- to 15-member professional ski patrol, plus trail marking, protection of skiers from natural hazards, and environmental protection. But he also has full power to close down any lift which he finds to be operated in a condition which is dangerous to the public. In October, parks director William Penn Mott Jr. issued a statement in which he said that "No lift in Squaw Valley will be allowed to operate for one minute if the State has any reason to believe it is not perfectly safe." The trouble with this, of course, is that the state cannot have reason to doubt the mechanical safety of the lifts at Squaw Valley or anywhere else unless it regularly and frequently inspects those lifts. The state's snow ranger is not trained or qualified to do that job; it remains the function of the Elevator Section of the Division of Industrial Safety in Sacramento and Los Angeles.

Legislative Interest

From time to time individual state legislators have expressed an interest in strengthening state supervision of ski lift operation, but there has been no action by the Legislature since 1965. Senator Clark L. Bradley introduced a resolution in the Senate last April, following the Squaw Valley accidents, calling for a thorough study of ski lift operation and inspection in California. The study was to take place in the interim between the 1971 and 1972 seasons, but as that interim has now been squeezed out of existence, it is apparent that the study may never take place. Assemblyman Carlos Bee introduced a bill, AB 202, concerning ski lift prices following an incident in which a member of his family was involved, but the measure eventually died in the Commerce and Public Utilities Committee.

Staff assistants to Senators Bradley and David A. Roberti attended the recent annual fall meeting of the Far West Ski Association, the principal "consumer" organization for California skiers, in Palo Alto in October. Their purpose was to hear the views of members of that organization, many of whom have expressed with some vehemance their concern about ski lift accidents, particularly at Squaw Valley (Cushing also attended to defend his operation against charges that his lifts are poorly maintained and poorly operated). Again, however, there were no tangible results.

In part this is because skiers, including the members of the Far West Ski Association, have been unable to convert their concern into specific, practical recommendations for legislative or administrative action. Perhaps the only exception to this is a proposal by Don Simpson, a vice president of the association, that ski area operators be required by law to promptly report all accidents and lift failures to the state. At present, as Simpson points out, they are not required to report accidents which involve the general public, but only those which happen to employees. Thus many accidents may go unreported, and the Division of Industrial Safety is not always alerted to the possible need for corrective action.

Other Hazards

There are, in addition, two other factors which should be considered in attempting to reduce accident rates. One concerns the personnel who operate ski lifts. At present the amount and character of the training which lift operators receive is entirely up to the ski area managers. Most areas try to see that all lift operators are familiar with braking systems and other safety devices which are provided and that the lifts are operated in a safe and courteous manner. Other areas, however, have become notorious for the lax and occasionally dangerous manner in which their lifts are operated by personnel who clearly lack adequate training.

Another and perhaps more serious problem is the absence of any standards relating the capacity of a lift to the capacity of the run it serves. Area operators commonly advertise the high carrying capacities of their new chair lifts and tramways, but fail to note that a high capacity lift serving a relatively short run will simply result in a crowded and therefore dangerous hill. It is no secret that accident rates are disproportionately high on crowded beginner and intermediate runs, and that a great many skiing accidents are a direct result of unnecessary crowding. There is at least one popular area near Lake Tahoe where new ski patrol members are advised that they can best contribute to the safety of other skiers on a particular run by simply trying to avoid colliding with them.

Unfortunately for those who have been or will be injured as a consequence of such conditions, the state is unlikely to give them adequate attention as long as it continues to consider employee safety, rather than the safety of the general public, its principal concern.

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LETTER FROM WASHINGTON
By Lou Cannon

November 21, 1971

When we last left the junior senator from California he was recovering from the trauma of his corridor conflict with Bill Bennett in the El Paso natural gas case. Comes now John Varick Tunney to the case of William Rehnquist *vs.* the Senate of the United States, or, more accurately, that part of the Senate which has taken upon itself the examination, rejection and occasional absolution of Supreme Court nominees.

There was a curious Orwellian flavor to the Senate Judiciary Committee examination of Rehnquist, a bright, decent fellow who is politically somewhere to the right of Herbert Hoover but who in other essentials (and there *are* other essentials) is perhaps the best qualified of Mr. Nixon's four nominees to the high court. Senator Edward Kennedy led Rehnquist up one hill and down the other in pursuit of all the political issues of the day, from Kent State to Vietnam. The questions struck some of the other Democrats on the committee as a fishing expedition, though they said this quietly and not to Kennedy's face. Tunney, who is Kennedy's good friend, is a member of Senate Judiciary and the first senator to publicly oppose Rehnquist. He listened without comment as Kennedy and other senators questioned Rehnquist in detail about his role, which turned out to be peripheral, in the mass arrests and suspension of normal civil liberties that characterized this year's May Day anti-war demonstrations in Washington.

This procedure had a lot of defenders in the heat of battle, among them John Tunney. In a speech to the National Women's Democratic club five days after the event, Tunney defended the arrests and denounced the demonstrators as "a rebellious rabble," bringing cheers from his Democratic audience when he added "When it comes right down to it, that rabble, when it hurls bricks and barricades streets, is un-American and as alien to our democracy and foreign to our beliefs as any hobnailed stormtroop." That was on May 6th. On November 18th, Tunney issued a statement declaring that he opposed Rehnquist, whom he said "had demonstrated a willingness to place overriding value on the interests of governmental control."

Tunney's statement on Rehnquist was in many respects the most curious of his two-year Senate career, more curious even than his various statements opposing the military draft in mid-1971 without reference to the fact he had steadily denounced the concept of an all-volunteer army throughout his campaign and for at least 18 months afterward. When he came to Rehnquist, Tunney declared that he did "not feel that senators should try to judge any nominee by measuring him against their own personal political philosophy" — and then proceeded to measure him against his own personal philosophy. The single, prevailing reason why he opposed Rehnquist, said Tunney, "is that he does not have the fidelity to the Bill of Rights that a Supreme Court justice must have in order to carry out his judicial mandate." His only citations of this lack of fidelity were positions Rehnquist had taken as an advocate for the Nixon administration. "His (Rehnquist's) justification of a vast expansion of the Subversive Activities Control Board, his defense of unrestricted governmental surveillance, his rationale for preventive detention, all of these demonstrate that he is quite the reverse of a strict constructionist," Tunney said.

But it is Congress that has for a decade declined to eliminate the do-nothing Subversive Activities Control Board, and there is no record that Tunney ever tried to abolish it during his six years in the House. In any case, the issue of the SACB cuts across ideological lines in both houses in a reasonable dispute over whether subversive-watching activities should be vested in the executive branch, congressional committees, or anywhere at all. Tunney is opposed to preventive detention, which a number of congressional liberals favored in the District of Columbia crime bill, and which again is an issue upon which reasonable men may differ without abandoning "fidelity" to the Bill of Rights. Worst of all, was Tunney's characterization of Rehnquist's "defense of unrestricted governmental surveillance." This, if true, would certainly raise a profound civil liberties question. It is not true, however. Senator Sam Ervin, Democrat from North Carolina, the civil libertarian who chaired the Judiciary subcommittee that this year disclosed some of the government's most bizarre surveillance practices, found that Rehnquist approved of surveillance only in highly specialized circumstances and announced that he would vote for Rehnquist's confirmation. Tunney is a member of the same subcommittee. Apart from Ervin's judgment, Rehnquist repeatedly denied during the confirmation hearing that he favored unrestricted surveillance, and Rehnquist, unlike previous Nixon high court nominees, does not have a credibility problem. "There have been several allegations made to the effect that Mr. Rehnquist has intentionally harrassed voters, that he has been a member of right wing groups," said Tunney in his opposition statement. ". . . I do not think they are true. I believe Mr. Rehnquist's denials of them."

Why bother to believe Rehnquist on denials of these lesser allegations and refuse to believe him when he denies he favors unrestricted surveillance? Why, indeed, unless Tunney is "essentially closed-minded; that he begins with his conclusion and reasons backward to justify it?" But this accusation is not made against Tunney. Instead, it is Tunney's charge against Rehnquist in a four-page statement of opposition that concludes with this observation: "The workload of the court is so great that we can not afford justice to be obstructed or delayed by politics."

Heaven forbid.

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CALIFORNIA CALENDAR

Meetings of the following state boards and commissions are listed each month; if one of these boards is not listed, it can be assumed that it is not scheduled to meet this month. Boards and commissions to be included are: Board of Corrections; Trustees of the California State Colleges; California Community Colleges Board of Governors; Coordinating Council for Higher Education; Board of Education; Highway Commission; Little Hoover Commission; Commission on Housing and Community Development; Lands Commission; Park and Recreation Commission; University of California Board of Regents; and Social Welfare Board.

Dec. 7 — **Coordinating Council for Higher Education.** Host Hotel, Metropolitan Airport, Sacramento. 9:00 A.M.

Dec. 8-9 — **Board of Governors, California Community Colleges.** Hilton Inn, Milbrae. 9:00 A.M.

Dec. 9-10 — **Board of Education.** State Building, 107 So. Broadway, Rm. 1138, Los Angeles, 9:00 A.M.

Dec. 9-11 — **California Law Revision Commission.** State Bar Building, 601 McAllister Street, San Francisco. 12/9 — 7:00 P.M. 12/10 & 12/11 — 9:00 A.M.

Dec. 10 — **Select Legislative Committee on Housing and Urban Affairs.** "Housing Problems in the L.A. Area." State Building, 107 So. Broadway, Los Angeles. 9:00 A.M.

Dec. 14 — **Little Hoover Commission.** (Time and place to be announced.) Los Angeles.

Dec. 15-16 — **Highway Commission.** Public Works Building, 1120 N Street, Sacramento. 12/15 — 10:00 A.M.; 12/16 — 9:00 A.M.

Dec. 16-17 — **State Social Welfare Board.** 12/16 — Biltmore Hotel, Los Angeles. 7:30 P.M. 12/17 — State Building, 107 So. Broadway, Los Angeles. 9:00 A.M.

Dec. 17 — **Joint Legislative Committee on Atomic Development and Space.** "The Unemployed Aerospace Worker." 515 N. Sycamore, Board Hearing Room, Santa Ana. 10:00 A.M.

Dec. 21 — **State Lands Commission.** State Capitol. Rm. 2170, Sacramento. 10:00 A.M.

Jan. 3 — **1972 Legislative Session Convenes.** State Captiol, Sacramento. 12:00 Noon.

The following boards and commissions follow a standard monthly schedule and thus are not included in the Calendar: Board of Agriculture, first Thursday of each month; Allocation Board, second Tuesday; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Merit Award Board, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; Soil Conservation Commission, fourth Tuesday; Transportation Board, first Thursday; California Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays. Please contact the agency for meeting time and place.

PEOPLE IN THE NEWS

APPOINTED

Lloyd A. Bailey, 48, acting Deputy Director of Tax Collections and Insurance in the Department of Human Resources Development, as Deputy Director of the department, by Governor Reagan.

John J. Balluff, 61, general counsel for the Atchison, Topeka, and Santa Fe Railway in Los Angeles, and **Howard R. Williams,** Stanford University law professor, to the California Law Revision Commission, by Governor Reagan.

Edna J. Brandt, 62, and **Dr. Frederick B. Hodges,** 39, as assistant directors of the State Department of Public Health, by Dr. Louis Saylor, Director of Public Health.

Robert J. Datel, 46, a Department of Public Works deputy director, as California State Highway Engineer, by Public Works Director James A. Moe.

Paul R. Gore, 46, Napa City Councilman since 1968 and an executive of Lawyers Title Insurance Corporation, to a four-year term on the Housing and Community Development Commission, by Governor Reagan.

Roy G. Hollingshead, 48, Chief of the Legal Office in the Department of Social Welfare, as Acting Chief Referee for the department, by State Welfare Director Robert Carleson.

Richard E. Kazen, 36, Arcadia management analyst, as Chief of the Division of Housing and Community Development, by Governor Reagan.

Dr. William E. Mayer, 48, Roseville psychiatrist and former mental health services director for Del Norte and Humboldt Counties, as Chief Deputy Director of the Department of Mental Hygiene, by Governor Reagan.

ELECTED

Virla Krotz, of Orinda, member of the State Board of Education and the Coordinating Council for Higher Education, as president of the National Association of State Boards of Education.

RETIRED

Dr. Louis F. Saylor, 58, as Director of the State Department of Public Health. He was appointed director in 1968 by Governor Reagan, and is a 38-year veteran of state and federal public health service. **William J. Kurtz,** chief deputy of the department, has been appointed Acting Public Health Director.

DIED

Richard J. Donovan, 45, former Republican assemblyman from the 77th District representing San Diego County, who served from 1962 to 1964. A supporter of strong drug abuse legislation and the Rumford Fair Housing Act, he was appointed a San Diego Municipal Court judge in 1966 by former Governor Edmund G. Brown.

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Selected State Government Reports

CRIMINAL JUSTICE

California Correctional System Study, State Board of Corrections, 714 P St., Sacramento 95814. July, 1971. Vol. I: The System (117 p.); Vol. II: Institutions (276 p.); Vol. III: Field Services, Probation and Parole (237 p.). Compiled by a staff of 57 criminologists, the report makes 225 recommendations for the upgrading of state correctional facilities.

EDUCATION

California School Financing System Held Unconstitutional by Supreme Court: Serrano v. Priest, Administrative Office of the Courts, 4200 State Building, San Francisco 94102. August, 1971. 63 p. Summary and details of State Supreme Court's decision.

The Voucher System: Voucher Feasibility Study, Center for Planning and Evaluation, 1110 North 10th St., San Jose 95112. April, 1971. 135 p. Final report of the Alum Rock Union Elementary School District on the feasibility of implementing a voucher system.

Family Choice in Education: A Model State System for Vouchers, by John E. Coons and Stephen D. Sugarman, Institute of Governmental Studies, University of California, Berkeley 94704. 1971. 118 p. $2.50.

EMPLOYMENT

The Statewide Local Government Manpower Study: Bay Area Manpower Inventory Report, Association of Bay Area Governments, Hotel Claremont, Berkeley 94705. Aug., 1971. 10 p.

1970 Earnings and Hours: California and Metropolitan Areas, Department of Industrial Relations, Division of Labor Statistics and Research, P.O. Box 603, San Francisco 94101. 59 p.

Impact on California of the Emergency Employment Act of 1971, California Taxpayers' Association, 11th & L Bldg., Suite 718, Sacramento 95814. 1971. 20 p. $2.10 (incl. tax).

HEALTH AND WELFARE

Guide for Administration and Conduct of a Coordinated Child Support Program by California Counties, Task Force on Absent Child Support, State Social Welfare Board, 744 P St., Sacramento 95814. Sept., 1971. 54 p.

Report to the Legislature Relative to the Recruitment of Psychiatric Technicians for State Hospitals, State Personnel Board, 801 Capitol Mall, Sacramento 95814. July, 1971. 14 p.

Child Care: A Challenge to Industry, Final Report of the Task Force on Industry's Involvement in Child Care, State Social Welfare Board, 744 P St., Sacramento 95814. Aug., 1971. 54 p.

State and Local Staffing Needs to Adequately Trace and Locate Absent Parents. Report to the Legislature as requested by ACR 17 (Davis) of 1971, Office of the Attorney General, Dept. of Justice, 5th & Capitol Mall, Room 550, Sacramento 95814. Sept., 1971, 25 p. Staffing and collection cost experience by county.

A Report to the 1971 Legislature on Medical Tests for Newborn Infants, Dept. of Public Health, 2151 Berkeley Way, Berkeley 94704. May, 1971. 2 p.

The Recruitment of Psychiatric Technicians for State Hospitals, Department of Mental Hygiene, 744 P St., Sacramento 95814. Sept., 1971. 11 p.

Guide to the Establishment of Group Day Care Programs for Young Children, Department of Social Welfare, 744 P St., Sacramento 95814. 1971. 8 p.

LOCAL GOVERNMENT

Adapting Government to Regional Needs: Report of the Conference on Bay Area Regional Organization, Institute of Governmental Studies, University of California, Berkeley 94720. 1971. 307 p. $5.78 (incl. tax). Current state of regional organization efforts in the San Francisco Bay Area.

Cash Investment Management, League of California Cities, 1108 "O" St., Sacramento 95814. 1971. 32 p. Basic fundamentals of cash analysis and guidelines for the maximum investment of local government funds.

New Federal Political Structures and Institutions to Facilitate Solutions to Regional Problems, Report No. MR-161. Institute of Government and Public Affairs, University of California, Los Angeles. 1971. 16 p.

Proposed Citywide Plan for Los Angeles, Dept. of City Planning, Los Angeles 90012. Feb., 1971. 48 p. Includes map of proposed citywide plan.

Future Directions in Community Power Research. A Colloquium, ed. by Frederick M. Wirt, Institute of Governmental Studies, University of California, Berkeley 94704. 1971. 227 p. $5.00. Public policy formulation, decision-making, and the community power structure.

Tentative Recommendation Relating to Compulsory Joinder of Causes of Action, California Law Revision Commission, School of Law, Stanford University, Stanford 94305. July, 1971. 14 p.

Revised Tenative Recommendation Relating to Attachment, Garnishment, and Execution: Employee's Earnings Protection Law, California Law Revision Commission, School of Law, Stanford University, Stanford 94305. August, 1971. 134 p.

Fieldscope Report: Public Attitude Study Conducted for the California State Employees Association, by Field Research Corporation. Augsut, 1971. Public opinion poll on state employee salary increases, rights, and benefits. CSEA, 1108 "O" St., Sacramento 95814.

MISCELLANEOUS

California Roster, 1971-72, compiled by Secretary of State. Available from Office of Procurement, Documents Section, P.O. Box 20191, Sacramento 95820. 129 p. $2.10 (incl. tax). A listing of state and local government services and state, county, and city officials.

Unless otherwise indicated, reports may be obtained by writing the appropriate committee or agency, c/o State Capitol, Sacramento, California 95814. Orders payable by check or money order only.

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VOTING RECORDS

Listed below are the votes of Senators and Assemblymen on the major roll calls in the Legislature through this month and a brief summary of the issues under consideration. Votes selected for inclusion are on issues of major importance to Californians as a whole or issues on which there is a major division of opinion, or both.

Y—Yes

N—No

*—Absent or Not Voting

⅔ vote required for urgency measures, constitutional amendments, appropriation bills.

Assembly: 41 votes required for passage of bills requiring majority vote. ⅔ = 54 votes.

Senate: 21 votes required for passage of bills requiring majority vote. ⅔ = 27 votes.

SENATE

October 21st to 28th

SB 3 (Alquist) — Establishes an open presidential primary system in California. Allows any recognized presidential candidate to be placed on the primary ballot. Passed 22-4.

SB 278 (Alquist) — Establishes separate presidential primary procedure for the Democratic Party. Authorizes open Democratic presidential primary. Binds state delegation chosen by party's presidential nominee from California to that candidate for two ballots, or until he is nominated for president, releases his delegation, or receives less than 20 percent of the vote at the national convention. Passed 21-3.

SCR 116 (Alquist) — Declares that it is improper for public utilities to continue advertising to encourage the use of gas and electricity. Failed 14-19.

SB 279 (Alquist) — Establishes separate presidential primary procedure for the Republican Party similar to the procedure in SB 278 (above). Passed 22-9.

SB 835 (Alquist) — Appropriates $3,350,000 for community college extended educational opportunity programs. Passed 23-9.

AB 123 (Barnes) — Changes name of California State Colleges to "California State University and Colleges." Passed 21-16.

AB 2101 (Maddy) — Requires the recruitment of multi-lingual deputy registrars of voters in non-English speaking areas. Failed 14-17. (Previously passed Senate 21-13, but a motion to reconsider vote was made by Senator H. L. Richardson.)

AB 2179 (Brathwaite) — Provides that the authority of the state Medi-Cal director to modify payments for Medi-Cal services in order to stay within available funds shall not apply to nursing homes which provide Medi-Cal services. Passed 21-7.

AB 1303 (McCarthy) — Requires Council on Intergovernmental Relations to adopt criteria and guidelines by Jan. 1, 1973 for the preparation and content of city and county general plans. Requires a city or county, beginning Oct. 1, 1973, to indicate the degree to which it has complied with criteria. Passed 21-14.

AB 2946 (Brathwaite) — Declares null and void any city or county zoning or planning ordinance which denies to any individual or group the enjoyment of residence, ownership of land, tenancy, or land use because of religious or ethnic reasons. Passed 23-7.

AB 1057 (Knox) — Establishes the Conservation and Development Agency of the Bay Area comprising the City and County of San Francisco and the counties of San Mateo, Santa Clara, Alameda, Contra Costa, Solano, Napa, and Marin, subject to the approval of Bay Area voters at an election to be held June 6, 1972. Authorizes the preparation and adoption of a San Francisco Bay Plan for the conservation and development of Bay Area resources. Passed 21-11.

October 29th to November 4th

AB 561 (Vasconcellos) — Gives exclusive authority to approve the establishment of methadone treatment programs for narcotic addicts to the Dept. of Public Health and requires department to evaluate and study such programs. Declares that individual physicians operating without the benefit of a complete methadone maintenance program shall not prescribe or administer methadone. Passed 29-0.

AB 562 (Vasconcellos) — Appropriates $5,020,000 for methadone maintenance programs to treat narcotic addicts. Passed 31-0.

AB 2971 (Miller) — Authorizes the termination of the sentence of a person under life sentence who has been on parole continuously for 5 years. Failed 20-12. Reconsideration granted.

SCR 130 (Rodda) — Directs Supt. of Public Instruction to develop a plan for creating regional organization units to replace county offices of education. Failed 19-12. Reconsideration granted.

AB 826 (Vasconcellos) — Specifies that "invasion of privacy" includes unauthorized commercial use of a person's name, photograph, or likeness. Passed 24-1.

ACA 21 (Roberti) — Eliminates constitutional requirement that a citizen be naturalized for 90 days preceding an election to be eligible to vote. Subject to approval of voters. Passed 28-1.

AB 1232 (Waxman) — Requires county clerks to provide postage-paid postcards with which a voter may give notice of change of name, address or party affiliation. Failed 17-13. Reconsideration granted.

November 5th to 11th

AB 2324 (McAlister) — Prohibits employer from discharging employee because of garnishment of wages for any single indebtedness. Passed 23-5.

AB 310 (Garcia) — Permits 18- to 21-year-old musicians to work in places selling and serving alcoholic beverages. Failed 19-17. Reconsideration granted.

AB 3066 (Z'berg) — Provides for the submission to voters in 1972 of a $250 million bond issue for beaches, parks, and recreational facilities. Passed 29-3.

AB 2923 (Chacon) — Increases minimum salary of full-time teachers with bachelor's degrees from $6,000 to $6,800. Passed 21-10.

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AB 193 (Priolo) — Authorizes county clerk to collect, process, and tabulate completed ballots prior to the close of the polls if county has electronic tabulating or punched card voting system Failed 17-14. Reconsideration granted.

AB 1935 (Quimby) — Prohibits charter cities and counties from requiring their employees to live within the city. Failed 15-18. Reconsideration granted.

AB 2811 (McAlister) — Authorizes the creation of regional "seed money" corporations to stimulate development of employment opportunities in areas of high unemployment. Passed 21-7.

SB 18 (Dymally) — Reapportionment plan for the State Senate. Passed 32-2.

AB 1619 (Vasconcellos) — Authorizes the creation of joint city-county environmental councils within each county to deal with problems of rapid population growth, economic development, and urbanization. Failed 16-10. Reconsideration granted.

AB 3022 (Sieroty) — States that a publisher, editor, or reporter employed by a newspaper, wire service, radio or TV station, or any person formerly so employed, may not be cited for contempt for refusing to disclose the source of any information gained while so employed. Failed 10-12. Reconsideration granted.

November 12th to 18th

SB 536 (Short) — Increases cigarette tax from 10 to 15 cents per pack beginning Jan. 1, 1972. Appropriates proceeds to University of California for medical research. Failed 12-18.

AB 1278 (Waxman) — Permits a person to register to vote upon reaching age 17. Failed 19-14. Reconsideration granted.

AB 1057 (Knox) — (See description above.) Senate refused to adopt Senate-Assembly conference committee amendments, 14-14. Reconsideration granted.

ACA 22 (H. Johnson) — Changes terms of assemblymen from 2 to 4 years and terms of senators from 4 to 6 years, subject to the approval of voters at 1972 election. Failed 11-15. Reconsideration granted.

AB 1229 (Waxman) Requires absentee ballot to be mailed with ballot pamphlet. Permits person to vote in person at his polling place

| SENATE | | |

upon surrender of absentee ballot. Passed 22-5.

AB 2590 (Vasconcellos) — Requires State Board of Education to make basic textbooks available free of charge to private elementary school pupils and permits private school pupils to enroll in certain public high school classes when space is available. Passed 22-8.

AB 1108 (Burton) — Makes it a misdemeanor to manufacture or sell any toy depicting torture, resembling an instrument of torture, or resembling a bomb or grenade. Operative July 1, 1972. Passed 24-2.

AB 1237 (Sieroty) — Provides that a person convicted of a felony shall have time confined in custody credited to his sentence. Passed 22-11.

AB 1232 (Waxman) — (See description above.) Passed 21-12.

AB 2887 (Priolo) — Lowers age of adulthood from 21 to 18 for purposes of marriage, commitment of youth offenders, professional licensing, legal obligations and contracts, serving on juries, holding public office, obtaining driver's license, but not consumption of alcohol. Passed 22-11.

AB 794 (Ralph) — Authorizes Fair Employment Practices Commission attorney to file a complaint regarding unlawful employment practices. Authorizes employer whose employees refuse to cooperate with FEPC to file complaint seeking conciliation or other remedial action. Passed 22-12.

AB 1355 (Fenton) — Extends unemployment benefits to agricultural workers. Passed 22-11.

AB 1608 (Townsend) — Requires certain airports to have approved noise monitoring systems in operation on Dec. 1, 1971, unless extension of time is granted by Dept. of Aeronautics. Prohibits any increase in noise levels above those which existed on 12/1/71 at airports handling over one million passengers per year. Passed 21-11.

AB 2109 (Bagley) — Exempts candy, gum, and confectionery from sales and use taxes, revises tax exemption on prepared foods, revises method of determining value of vehicles for purposes of use tax, and requires gift taxes to be paid quarterly instead of annually. Passed 22-10.

AB 843 (Burton) — Provides for the regulation of toys or other articles intended for use by children which present an electrical, mechanical, or thermal hazard. Passed 29-2.

SB 104 (Moscone) — Appropriates $26,807,750 for state employee cost-of-living pay increases. Passed 28-4.

AB 1238 (Sieroty) — Requires that the sentence of a person convicted of a misdemeanor be reduced for time spent in custody. Passed 21-6.

ACA 16 (Foran) — Authorizes the use of highway revenues for the construction of public transportation systems and control of environmental pollution caused by motor vehicles. Failed 22-14. Reconsideration granted.

ASSEMBLY

October 22nd to 28th

SB 1574 (Rodda) — Creates Council on Private Post-Secondary Educational Institutions to supervise private colleges and universities in the state. Passed 45-5.

SB 101 (Rodda) — Appropriates $17,872,518 for University of California and California State College faculty salary increases. Dependent upon the implementation of a state personal income tax withholding system. Passed 54-9.

SB 698 (Marks) — Appropriates up to $2,472, 546 for the California State Coleges and up to $1,150,000 for the California Community Colleges respectively for educational opportunity programs, provided the 1971-72 state budget is augmented by the necessary additional revenues. Passed 54-9.

October 29th to November 4th

SB 578 (Cologne) — Requires State Air Resources Board to set standards for exhaust emission devices for 1966 through 1970 model year motor vehicles and requires every such motor vehicle upon initial registration, renewal, or transfer of ownership, to be equipped with an accredited exhaust emission control device. Specifies a maximum cost for such device of $35. Passed 58-0.

SB 503 (Nejedly) — Increases hunting and fishing license fees. Passed 55-2.

SB 678 (Lagomarsino) — Requires party filing pollution or environmental damage suits to send copy to Attorney General, who is authorized to intervene or bring action for relief from damage or threatened damage to the environment or natural resources. Passed 57-0.

AB 2329 (Lanterman) — Revises provisions relating to the Legislator's Retirement System (see **California Journal,** October 1971, page 275).

SB 1020 (Stiern) — Appropriates $1.8 million to finance bilingual-bicultural educational programs. Passed 44-4.

AB 1416 (Warren) — Requires a court to seal all or part of a transcript of a grand jury proceeding until trial is completed if the court determines that there is reasonable likelihood that the release of the transcript will prejudice a defendant's right to a fair and impartial trial. Assembly concurred in Senate amendments, 42-10.

SB 1582 (Gregorio) — Permits a defense attorney to interview witnesses as to facts or transactions related to the offense in question and to record the statements of witnesses in the same manner as permitted law enforcement officers. Failed 12-18. Reconsideration granted.

November 5th to 11th

SB 138 (Nejedly) — Enacts the Nejedly-Z'berg Solid Waste Management and Resources Recovery Act of 1971 (see **California Journal,** October 1971, page 279). Passed 49-0.

SB 51 (Beilenson) — Creates Bureau of Automotive Repair within the Dept. of Consumer Affairs and provides for the registration of automotive repair dealers. Effective June 30, 1972. Passed 57-0.

SB 789 (Petris) — Establishes schedule of allowable exhaust emissions for gasoline-powered motor vehicles weighing under 6,001 pounds. Passed 50-9.

SB 24 (Dymally) — Creates Office of the State Public Defender to represent indigent persons in appeals and other post-conviction proceedings. Passed 47-10.

SB 782 (Alquist) — Establishes a new formula for the allocation of state highway construction funds. Increases from $12.5 milion to $16 million the amount which may be spent annually for landscaping and planting along state highways. Passed 53-12.

SB 920 (Collier) — Creates North Coast Area Planning Organization to prepare comprehensive coastal area plan, to study area's resources, and to analyze social and economic indicators of area. Passed 49-1.

SCA 42 (Cologne) — Eliminates right of defendant to appear and defend himself in a criminal action. Sub-

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ject to voter approval in 1972. Passed 55-0.

AB 1057 (Knox) — (see description under Senate votes.) Adoption of Senate-Assembly conference committee amendments, 45-13.

SB 973 (Harmer) — Allows a person convicted of a felony, other than a felony punishable by death penalty, to be employed as a parole officer if he has been granted a full and unconditional pardon. Passed 41-12.

SB 819 (Deukmejian) — Allows peace officer, upon finding a person drunk or under influence of drugs in a public place, to take person into civil protective custody and place him in a detoxification facility for 72-hour treatment and evaluation. Passed 50-6.

SB 385 (Harmer) — Requires Department of Public Health to establish a federally funded reporting system for all therapeutic abortions performed in state. Passed 42-16.

SB 331 (Marks) — Provides that persons arrested without a warrant prior to specific dates and released without being charged, either because of insufficient grounds for criminal complaint or because of being sent to a hospital or facility for drug treatment, shall have such action described as detention and not arrest on his record. Passed 41-22.

November 12th to 18th

AB 123 (Barnes) Changes name of California State Colleges to "State University and Colleges." Assembly concurred in Senate amendments, 42-22.

SB 696 (Rodda) — Establishes procedures for the empolyment, evaluation, and dismissal of community college faculty and provides for administrative hearings in connection with disciplinary proceedings. Passed 46-11.

AB 844 (Burton) — Provides for the selection of collective bargaining agents for public employees. Failed 26-30. Reconsideration granted.

SB 433 (Collier) — Authorizes state college student activities fees to be used to support instruction-related programs and student lobbying operations. Passed 41-20. Motion to reconsider vote made by Assemblyman William Campbell.

AB 285 (Meade) — Appropriates $3.3 *million* for the support of the University of California. Failed 37-17. Reconsideration granted.

ASSEMBLY Democrats	SB 1574	SB 101	SB 698	SB 578	SB 503	SB 678	AB 2329	SB 1020	AB 1416	SB 1582	SB 138	SB 51	SB 789	SB 24	SB 782	SB 920	SCA 42	AB 1057	SB 973	SB 819	SB 385	SB 331	AB 123	SB 696	AB 844	SB 433	AB 285
Bee	Y	Y	Y	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Brathwaite	*	*	*	*	Y	Y	Y	Y	Y	*	*	*	Y	Y	Y	*	Y	*	*	*	N	Y	Y	Y	Y	Y	Y
Brown	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	*	Y	Y	*	Y	Y	Y
Burton	*	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	*	*	Y	N	Y	Y	*	Y	N	*	Y	Y	Y
Chacon	*	Y	Y	Y	Y	Y	Y	Y	Y	*	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Cory	*	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y
Crown	Y	Y	Y	*	*	Y	Y	Y	*	Y	Y	Y	*	*	Y	Y	*	N	Y	Y	N	Y	N	Y	Y	Y	Y
Cullen	*	*	*	Y	*	Y	Y	Y	Y	N	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	N
Davis	Y	Y	Y	Y	*	Y	Y	Y	Y	N	Y	Y	Y	*	N	N	Y	Y	N	Y	Y	N	N	Y	Y	Y	Y
Deddeh	Y	Y	Y	*	*	*	*	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	*	*	Y
Dunlap	Y	Y	Y	*	*	*	*	Y	Y	*	Y	Y	Y	Y	N	*	*	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Fenton	*	*	*	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Fong	*	*	*	*	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	*	Y	Y	*
Foran	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	*	Y	Y	Y	Y	Y
Garcia	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Gonsalves	Y	Y	Y	Y	Y	*	Y	*	*	*	*	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	Y	*	*	*	Y
Greene, B.	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	*	Y	Y	Y	*	Y	Y	Y	N	Y	*	*	*	*	Y
Greene, L.	Y	Y	Y	Y	*	Y	Y	*	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	*	Y	Y
Johnson, H.	Y	Y	Y	Y	N	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	Y	N	Y	N	Y	Y
Karabian	*	Y	Y	Y	Y	Y	Y	Y	*	*	*	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Keysor	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	N	Y
Knox	*	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	*
LaCoste	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
MacDonald	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	*	*	*	*	*
McAlister	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
McCarthy	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Meade	Y	Y	Y	Y	Y	Y	*	Y	*	*	*	*	Y	Y	N	Y	Y	Y	Y	Y	N	Y	N	N	Y	Y	Y
Miller	*	Y	Y	*	*	Y	Y	Y	Y	Y	*	*	*	Y	Y	Y	*	Y	Y	Y	N	Y	N	*	Y	N	Y
Moretti	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	*	*	Y	Y
Pierson	*	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	*	Y	*	Y	Y	Y	Y	Y	Y	Y	*	Y	Y
Porter	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	Y	Y	N	Y	N
Powers	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y
Quimby	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	*	*	*	*	Y	*	Y	Y	Y	*	*	Y	Y	*	Y	Y
Ralph	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	*	*	Y	Y	N	Y	Y	Y	Y	Y	Y
Ryan	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	Y	N	Y	*	N	Y
Sieroty	Y	Y	Y	Y	Y	Y	Y	Y	*	*	*	Y	Y	Y	Y	*	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y
Thomas	Y	Y	Y	*	*	*	*	*	*	*	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Townsend	Y	Y	Y	Y	Y	Y	Y	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Vasconcellos	Y	Y	Y	*	*	*	*	*	*	*	Y	Y	*	*	*	Y	*	Y	Y	Y	N	Y	Y	N	Y	Y	Y
Warren	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	Y	Y	Y
Waxman	Y	Y	Y	*	Y	Y	Y	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	N	Y	*	*	Y	Y	Y
Z'berg	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	*	N	Y

Republicans	SB 1574	SB 101	SB 698	SB 578	SB 503	SB 678	AB 2329	SB 1020	AB 1416	SB 1582	SB 138	SB 51	SB 789	SB 24	SB 782	SB 920	SCA 42	AB 1057	SB 973	SB 819	SB 385	SB 331	AB 123	SB 696	AB 844	SB 433	AB 285
Arnett	Y	Y	Y	Y	Y	Y	Y	*	*	*	Y	Y	Y	Y	Y	*	Y	*	*	*	Y	Y	Y	Y	N	*	*
Badham	Y	N	N	*	*	*	*	*	*	N	Y	Y	N	N	Y	*	Y	*	*	*	*	*	N	N	N	N	N
Bagley	Y	Y	Y	*	*	*	Y	Y	Y	*	*	Y	*	Y	Y	Y	*	Y	Y	Y	Y	Y	N	Y	*	Y	Y
Barnes	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	Y	Y	*	Y	*	N
Belotti	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Beverly	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	N	Y	*
Biddle	*	*	*	Y	Y	Y	Y	*	N	*	*	Y	Y	Y	Y	Y	*	*	*	*	*	*	*	*	*	*	N
Briggs	*	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	*	Y	Y	Y	*	*	Y	Y	N	Y	Y	N	Y	*
Burke	*	N	N	Y	Y	Y	Y	Y	N	*	Y	Y	N	N	Y	Y	Y	N	N	N	Y	N	N	*	N	Y	N
Campbell	*	Y	Y	Y	Y	Y	Y	*	Y	*	*	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	N	N	*	
Chappie	*	Y	Y	Y	*	Y	Y	*	Y	Y	*	*	*	*	*	*	*	*	*	*	Y	Y	Y	Y	N	Y	N
Cline	Y	N	N	Y	Y	Y	Y	*	N	N	Y	Y	Y	Y	Y	*	Y	*	*	*	Y	N	Y	Y	N	N	N
Collier	*	N	N	Y	Y	*	Y	*	Y	*	Y	Y	N	N	Y	Y	Y	N	*	Y	N	Y	Y	N	Y	N	*
Conrad	*	N	N	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	Y	*	Y	N	N	N	Y	N	N	Y	N	Y	N
Dent	Y	Y	*	Y	Y	*	*	Y	N	*	Y	Y	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Duffy	*	Y	Y	Y	Y	Y	Y	*	*	*	*	*	Y	Y	N	Y	*	Y	Y	N	Y	Y	N	Y	N	Y	*
Hayden	*	*	*	Y	Y	Y	*	Y	Y	*	Y	Y	N	Y	Y	Y	Y	N	Y	Y	N	Y	Y	N	Y	N	*	Y
Hayes	*	*	*	Y	Y	Y	Y	*	N	N	*	*	Y	Y	*	*	Y	Y	Y	N	Y	N	*	*	*	*	N
Johnson, R.	*	Y	Y	Y	Y	Y	Y	*	Y	N	Y	Y	*	Y	N	Y	Y	Y	Y	*	*	Y	N	Y	N	N	*
Ketchum	*	Y	Y	*	*	*	*	N	Y	*	Y	Y	N	N	N	*	Y	*	*	*	N	N	N	Y	N	N	N
Lanterman	Y	N	N	Y	Y	Y	Y	*	Y	N	Y	Y	Y	*	Y	Y	Y	N	Y	Y	Y	N	N	*	N	Y	N
Lewis	*	Y	Y	*	*	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	*	Y	*	Y	*	Y	N	Y	Y	N	N	*
MacGillivray	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N
Maddy	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	*	Y	Y	*	Y	N	Y	Y	N	N	Y
Mobley	Y	Y	Y	Y	Y	Y	Y	*	Y	N	Y	Y	*	Y	N	Y	Y	*	Y	Y	Y	N	Y	Y	N	N	*
Monagan	Y	Y	Y	Y	Y	Y	*	Y	*	*	*	Y	Y	*	*	Y	*	Y	Y	*	*	*	Y	*	*	*	N
Moorhead	*	*	N	Y	*	*	*	N	N	N	Y	Y	Y	N	Y	Y	Y	N	N	Y	Y	N	N	Y	N	N	*
Murphy	*	Y	Y	*	Y	Y	Y	*	*	*	*	*	Y	Y	N	Y	Y	N	N	Y	Y	N	N	N	N	N	Y
Priolo	*	*	*	Y	Y	Y	Y	*	N	N	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	N	Y	N	N	Y
Russell	Y	N	Y	Y	Y	*	Y	*	*	*	*	*	*	*	*	Y	*	*	N	*	Y	N	N	Y	N	N	*
Schabarum	Y	Y	Y	Y	Y	Y	*	*	*	*	*	*	N	*	Y	*	Y	N	Y	Y	Y	Y	N	Y	N	Y	*
Seeley	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	*	Y	*	Y	*	*	*	*	*	*	Y	Y	N	N
Stacey	*	Y	Y	*	*	*	*	Y	Y	*	Y	Y	N	N	N	Y	*	Y	*	*	N	N	Y	Y	N	N	*
Stull	Y	N	N	Y	Y	*	*	*	*	Y	Y	Y	N	Y	*	N	Y	N	*	N	Y	N	Y	N	Y	N	N
Wakefield	*	N	N	Y	N	Y	*	N	N	*	*	*	N	*	Y	*	Y	N	N	N	*	*	N	Y	N	N	*
Wilson	*	*	*	*	*	*	*	*	*	*	Y	Y	*	*	Y	*	*	Y	*	*	*	*	*	*	*	*	*
Wood	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	*	N	Y	Y	*	*	Y	Y	N	N	Y	N	Y	*

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The theory when I was young and just learning about politics was that you always got conservatives to do the liberal things, and liberals to do the conservative things.

– Walter Lippmann

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